



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Attorney General, pursuant to the authority vested in it by Sections 82011(d), 87303, 87304 and 87311 of the Government Code, to review proposed conflict of interest codes, will review the amended conflict of interest code of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCY:

Fair Political Practices Commission

A written comment period had been established commencing on February 15, 2002, and closing on April 2, 2002. Written comments should be directed to the Office of the Attorney General, Attention Ted Prim, Deputy Attorney General, 1300 I Street, Room 125, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Attorney General's Chief Deputy for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing. If a public hearing is requested, a designee of the Chief Deputy will conduct such a hearing on April 3, 2002 in the offices of the Attorney General at 1300 I Street, Sacramento, California at 10 a.m. Subsequent to the hearing, the proposed code will be submitted to the Chief Deputy for review.

The Chief Deputy Attorney General, upon his own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Chief Deputy Attorney General, relative to review of the proposed conflict of interest code. Any written comments must be received no later than 5:00p.m., April 2, 2002. If a public hearing is to be held, oral comments may be presented to the Chief Deputy's designee at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with this code because this is not a new programs mandated on local agencies by the code since the requirements described herein were mandated by the Political Reform Act of 1974 and apply only to a state agency in this instance. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the code has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Section 82011(d), 87303, 87304 and 87311 provide that the Attorney General as the code reviewing body for the above conflict of interest code of the Fair Political Practices Commission shall approve code as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code should be made to Ted Prim, Deputy Attorney General, 1300 I Street, Room 125, Sacramento, CA 95814, telephone (916) 324-5481.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest code may be obtained from the Attorney General's Office or the Fair Political Practices Commission. Requests for copies from the Commission should be made to Wayne Imberi, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California, 95814, telephone (916) 322-5660. Requests for copies from the Attorney General's Office should be made to Ted Prim, Deputy Attorney General, 1300 I Street, Room 125, Sacramento, CA 95814, telephone (916) 324-5481.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of Boating and Waterways

Department of Insurance

A written comment period has been established commencing on **February 15, 2002** and closing on **April 1, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention **Wayne Imberi**, 428 J Street, Suite 450, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **April 1, 2002**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were

mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Wayne Imberi/ Kevin Moen, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Wayne Imberi**, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.12(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Peach Fruit Fly Eradication Area as an emergency action. The Department proposes to continue the regulation as amended.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is

requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 1, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law provides that the Secretary may establish, maintain, and enforce eradication regulations as he deems necessary to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Section 5322). The eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, and the means and methods which may be used in the eradication of said pest.

This amendment of Section 3591.12(a) established Riverside County as an eradication area for Bactrocera zonata, peach fruit fly. The effect of the amendment is to provide authority for the State to perform control and eradication activities against peach fruit fly in Riverside County to prevent spread of the fly to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department has determined that Section 3591.12 does not impose a mandate on local agencies or school districts. The Department has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from this action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting

California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3591.12(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3591.12(a) to implement, interpret and make specific Sections 5761 through 5764, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Barbara J. Hass, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: bhass@cdfa.ca.gov. In her absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Barbara J. Hass.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700, subsections (a), (b) and (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action. The Department proposes to continue the regulation as amended.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, may certify that there was compliance with provisions of 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 1, 2002.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322).

Amendment of Section 3700, Oak Mortality Disease Control, subsection (a), identifies the pest, a fungus, as *Phytophthora ramorum*, which causes oak mortality disease (sudden oak death). Amendment of subsection (b) established as the regulated area for the pest the entire counties of Alameda, Mendocino and Solano. Amendment of subsection (c) declared bigleaf maple, California buckeye, California coffeeberry, a honeysuckle, manzanita, and toyon or Christmas berry to be hosts or potential carriers of the pest. The effect of the amendment is to identify the causal organism by its new scientific name and to provide authority for the State to regulate movement of hosts or potential carriers of the disease within and from the regulated area to prevent artificial spread of the pest to non-infested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3700 does impose a mandate on local agencies, but not on school districts. Reimbursement will be made for costs resulting from this mandate from the \$266,000 budgeted for this purpose.

The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting

California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$185 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3700, subsections (a), (b) and (c) pursuant to the authority vested by Sections 407, and 5321 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3700, subsections (a), (b) and (c) to implement, interpret and make specific Sections 24.5, 5321 and 5322 of the Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; Section 1084 *et seq.*, Code of Civil Procedure.

EFFECT ON SMALL BUSINESS

The adoption of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017,

FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The Commissioner of Corporations ("Commissioner") proposes to amend regulations under the CORPORATE SECURITIES LAW OF 1968 relating to broker-dealer applications, amendments, notices, and fees required to be filed with the Commissioner. The Commissioner proposes to amend sections 260.211 and 260.211.1 of the California Code of Regulations.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' ("Department") contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Corporations, addressed to Kathy Womack, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m., April 2, 2002. Written comments may also be sent to Kathy Womack (1) via electronic mail at regulations@corp.ca.gov or (2) via fax (916) 322-5875.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under the Corporate Securities Law of 1968 (“CSL”), the Commissioner is responsible for the regulation of certain broker-dealers and agents of broker-dealers. Pursuant to this authority, broker-dealers must obtain a license from the Commissioner, which includes providing an application and various additional documents and fees to the Commissioner. The Commissioner proposes to amend the rules outlining the procedures for applications and other filings by broker-dealers and agents to allow all applications, amendments, and fees to be filed directly with the Central Registration Depository (“CRD”).

While most broker-dealers have been filing documents with CRD for years, the Department has never accepted these filings through CRD, and has required applicants to send either a physical copy of Form BD (the national, uniform application form for broker-dealers) or the Department’s “Application for License by Notification” and specified supporting documents to the Department. The proposed amendments to Sections 260.211 and 260.211.1 set forth new procedures for broker-dealers filing with the Department through CRD, and implement the provisions of AB 1048 (Frommer-Chap. 264. Stats. 2001).

Section 260.211: The proposed amendments to Section 260.211 amend the procedures for applicants neither filing through CRD nor filing by notification, and set forth new procedures for applicants filing with the Department entirely through CRD. Applicants not filing through CRD will no longer be required to amend the Form BD questions related to arrest records.

The proposed amendments to § 260.211 also:

- Clarify that certain additional filings related to agents of broker-dealers are necessary for all applicants whose agent records are not on file with CRD, in addition to applicants not registered under the Securities Exchange Act of 1934;

- Remove the provisions that set forth procedures for broker-dealers who previously relied upon Section 25205 of the Corporations Code for an exemption from the licensure requirement as an investment adviser;
- Set forth procedures for applicants filing through CRD;
- Provide that the Commissioner may require additional documents to be filed directly with the Commissioner, and may request additional documentation or detail pertaining to Form BD;
- Provide that the filing is complete when the Commissioner approves the application and the approval is received through CRD;
- Set forth procedures in the event of a succession;
- Set forth provisions for the annual assessment of broker-dealers; and
- Set forth filing procedures for changes to a broker-dealer’s ownership, control, or business operations.

Section 260.211.1: Section 260.211.1 sets forth the application for license by notification pursuant to Section 25211(b) of the Corporations Code. The proposed amendments to Section 260.211.1 remove the application instructions for broker-dealers who also engage in business as an investment adviser.

The proposed amendments further disqualify the National Association of Securities Dealers, Inc. (“NASD”) and the Pacific Exchange, Inc. (referred to as the Pacific Stock Exchange in Corporations Code Section 25211) from the provisions of subdivision (b) of Section 25211 of the Corporations Code (i.e., licensure by notification), pursuant to the authority provided by that section that permits the Commissioner to disqualify a self-regulatory organization by rule from the licensure by notification procedures.

The proposed amendments to Section 260.211.1 also add a provision to the application for license by notification to require broker-dealers who are sole proprietors to include a Statement of Citizenship, Alienage, and Immigration Status Form pursuant to Section 250.31 of the rules.

AUTHORITY

Sections 25210, 25211, 25241, 25610 and 25612.5, Corporations Code.

REFERENCE

Sections 25210, 25211, 25241, 25608 and 25612.5, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts

the regulation. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulations for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document OP 05/01-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document OP 05/01-C. These documents are also available at the Department's Website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Law and Legislation maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Other nondiscretionary cost or savings are imposed on local agencies: None.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not have an effect on housing costs.

- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not impose a mandate on any local agency or school district or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The proposed regulatory action primarily allows broker-dealers who are already filing an application with NASD to use that same filing to file their application for licensure in California. It is anticipated that this change may save broker-dealers regulatory compliance costs. The Department of Corporations is not aware of any adverse cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations will not affect small business. Under Government Code Section 11342.610(b)(1), a securities broker-dealer is not a small business.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations or questions regarding timelines or rulemaking status, may be directed to Kathy Womack at (916) 322-3553. The backup contact person is Karen Fong at (916) 322-3553. Inquiries regarding the substance of the proposed regulation may be directed to Colleen E. Monahan, Corporations Counsel, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California 95814-4052. (916) 323-7384.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

SUBJECT OF HEARING

[RH-02019024]

A hearing will be held regarding proposed changes to the regulations governing preclicensing education

curriculum: specifically, the proposed regulatory changes concern personal lines broker-agent licensees. This is a new class of insurance license, and transactors in personal lines are required to be licensed by the California Department of Insurance effective January 1, 2002. The curriculum would add to the preclicensing education regulations found at California Code of Regulations, Title 10, Chapter 5, Subchapter 1, Article 6.5 Sections 2186 through 2188.9. The curriculum is already published as an Emergency Regulation (ER-42) at Section 2187.3.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of this regulation pursuant to the authority vested in him by the California State Legislature in Assembly Bill No. 393, Chapter 321 (1999–2000 session), section 8. The purpose of this regulation is to implement, interpret, and make specific the provisions of California Insurance Code (CIC), Division 1, Part 2, Chapter 5, Sections 1749, 1749.31, and 1749.6.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to these regulations as follows:

Date and time: April 2, 2002
10:00 am

Location: San Francisco Civic Center
Complex
Conference Center
Hearing Room 9
455 Golden Gate Avenue
San Francisco, California 94102

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to present oral and/or written comments at the scheduled public hearings. Written comments not presented should be addressed to the following contact person:

Elaine A. LaFrance, Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492.3568

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Patricia Staggs, Assistant Chief Counsel
45 Fremont Street, 21st floor
San Francisco, CA 94105
Telephone: (415) 538.4123

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearings, must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **5:00 p.m.** on April 2, 2002. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: lafrancee@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the following facsimile number: (916) 324-1883. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Subchapter 4.5, Title 10, of the California Code of Regulations, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address, in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing, listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

SUMMARY OF EXISTING REGULATIONS AND POLICY STATEMENT OVERVIEW

California Insurance Code Section 1625.5 sets forth the comprehensive definition of the personal lines broker-agent license, including the requirement that

the applicant for said license must complete a prelicensing education curriculum prior to becoming a licensee. California Insurance Code sections 1749, 1749.31, and 1749.6 have been amended, effective January 1, 2002, to apply prelicensing education standards already in effect with respect to life agent licensees and fire and casualty broker-agent licensees to applicants for personal lines broker-agent licenses. The Commissioner has previously promulgated regulations found at California Code of Regulations, Title 10, Chapter 5, Subchapter 1, Article 6.5, Sections 2187, 2187.1 and 2187.2 to specifically enumerate the prelicensing education requirements for fire and casualty broker-agents and life agents. The proposed additional regulation, Section 2187.3, would accomplish the same purpose for personal lines broker-agents. The proposed amendments to Sections 2186.1, 2187.1, and 2187.2, would simply reflect the existence of a new class of license, a personal lines broker-agent license, effective January 1, 2002, and make existing regulations consistent with the California Insurance Code. The Commissioner proposes the adoption of these amendments to Sections 2186.1, 2187.1, and 2187.2, and addition of Section 2187.3, pursuant to the authority vested in him by the California State Legislature in Assembly Bill No. 393, Chapter 321 (1999–2000 session), section 8. The purpose of these regulations is to implement, interpret, and make specific the provisions of California Insurance Code, Division 1, Part 2, Chapter 5, Sections 1749, 1749.31, and 1749.6. The proposed regulation is necessary in order to effectively administer Insurance Code Sections 1749.31 and 1749.6. The amendments to the regulations would do the following:

- 1) set forth a detailed outline of the required pre-licensing educational curriculum for personal lines broker-agents
- 2) add language to include personal lines broker-agents in the existing regulatory structure for prelicensing education
- 3) add language reflecting changes in subsection numbers and effective dates caused by the creation of the personal lines broker-agent license, to prevent inconsistencies with existing statutes.

EFFECT OF PROPOSED ACTION

The major effects of the regulation is as follows:

Section 2186.1—Definitions

The proposed amendment to subsection (f) (1) broadens the definition of a prelicensing education “student” to include a person seeking a personal lines broker-agent license. Previously, that subsection referred exclusively to prospective life agent licensees and fire and casualty broker-agent licensees.

Section 2187.1—Prelicensing Education for Life Agents

The proposed amendment to subsection (a) changes a reference to California Insurance Code section 1749(b) as the section pertaining to life agents to a reference to California Insurance Code section 1749(c) as the section pertaining to life agents. This change makes the regulation accurate and consistent in its reference to the California Insurance Code. Effective January 1, 2002, California Insurance Code section 1749(b) pertains to personal lines broker-agents and California Insurance Code section 1749(c) pertains to life agents.

Section 2187.2—Prelicensing Education on Ethics and the Insurance Code

The proposed amendment to subsection (a) changes a reference to California Insurance Code section 1749(c) as the section pertaining to fire and casualty broker-agents to a reference to California Insurance Code section 1749(d) as the section pertaining to fire and casualty broker-agents. This change makes the regulation accurate and consistent in its reference to the California Insurance Code. Effective January 1, 2002, California Insurance Code section 1749(c) pertains to life agents and California Insurance Code section 1749(d) pertains to fire and casualty broker-agents.

Section 2187.3—Prelicensing Education for Personal Lines Broker-Agents

This proposed regulation sets forth the prelicensing education curriculum for personal lines broker-agents. It is the product of workshop discussions and multiple drafts created by a subcommittee of the Curriculum Board and presented to the Curriculum Board, as required by California Insurance Code section 1749.1. It is currently published as an Emergency Regulation, ER-42. It is detailed and specific, and it allows the California Department of Insurance to effectively administer California Insurance Code sections 1749, 1749.31, and 1749.6. It provides the basis for creating prelicensing training courses, and it is necessary to the Department’s purpose of ensuring that personal lines broker-agent licensees are properly trained before they are allowed to transact insurance with the general public.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE/LOCAL AGENCY
OR SCHOOL DISTRICT OR IN
FEDERAL FUNDING

The Commissioner has determined that there will be no cost or savings to any local agency, state agency or school district from the proposed regulations, and that the proposed regulation will not affect federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE

The Commissioner has made an initial determination that the only businesses which would be impacted by the regulatory scheme are small businesses. The Commissioner has made an initial determination that the proposed amendments may have a minor, insignificant adverse economic impact directly affecting approximately 800 small businesses statewide. **It should be noted that economic costs will only be incurred by education providers who choose to offer prelicensing education curriculum for personal lines broker-agent licensees. There will be no involuntary costs imposed upon small businesses.** The Commissioner has determined that the proposed amendments will not affect the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are education providers as defined under the current regulations. They may elect to create and administer new courses designed for prospective personal lines broker-agents. **It should also be noted that the education providers who elect to develop personal lines prelicensing curriculum will be collecting revenue for offering the courses, and therefore any initial fiscal impact will be absorbed by a positive revenue flow to the small businesses involved.** The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals.

POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR ENTITIES/BUSINESSES

The Commissioner estimates a maximum overall economic impact of this regulatory scheme in the amount of one hundred sixty thousand dollars (\$160,000.00). A representative business would initially incur approximately \$2,000 in costs if the business chose to create and offer a personal lines broker-agent training course. **It should be noted that economic costs will only be incurred by education providers who choose to offer prelicensing education curriculum for personal lines broker-agent licensees. There will be no involuntary costs imposed upon small businesses.** Annual ongoing costs would be approximately eleven dollars per year

(\$11.00). The total cost estimate is based upon an estimated number of education providers, eight hundred. **It should also be noted that the education providers who elect to develop personal lines prelicensing curriculum will be collecting revenue for offering the courses, and therefore any initial fiscal impact will be absorbed by a positive revenue flow to the small businesses involved.** A private person would only incur expenses in reasonable compliance with the proposed action if the person sought to become a personal lines broker-agent and thus had to pay tuition to enroll in the prelicensing education course. This anticipated cost would be consistent with the existing costs incurred by any applicant seeing a license from the Department of Insurance, as each type of license has some prelicensing education requirement that must be fulfilled.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses. A finding of necessity is built into section 8 of AB 393, the bill that created the personal lines broker-agent license.

EFFECT ON JOBS AND BUSINESSES
IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments may affect small businesses to the extent education providers qualify as small businesses. These individuals and entities will be required to

comply with the applicable amendments if they choose to offer preclicensing coursework for personal lines broker-agents.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed changes to the regulations. Upon **written or e-mailed** request, the initial statement of reasons will be made available for inspection and copying. Written requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon **written or e-mailed** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above. The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are not yet available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the top of the page the major heading 'Protecting Consumers.' In this section, scroll down until you see the subheading 'BE INFORMED.' Click on the nearby 'Search for Proposed Regulations' link. When the search field appears, enter 'RH02019024' (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code number of a code section that the regulations implement (for instance, "1749"), or search by key word ('personal lines broker-agent,' for example, or 'preclicensing curriculum'). Then, click on the "Submit" button to display links to the various filing documents.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULEMAKING

SUBJECT: AUTOMOBILE INSURANCE CONSUMER SERVICE ASSESSMENT

[FILE NO. RH01018367]

PROPOSED REGULATORY ACTION

The California Department of Insurance (CDI) proposes to add section 2698.68 to Article 5 of Subchapter 9, Chapter 5, of Title 10 of the California Code of Regulations (CCR), regarding the program for the investigation and prosecution of organized automobile insurance fraud.

PUBLIC HEARING

PUBLIC PROCEEDINGS: Notice is hereby given that the CDI will conduct written proceedings, during which time any interested person or such persons duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the CDI, Criminal Investigations Branch, attn: Wesley E. Kennedy, Senior Staff Counsel at 9342 Tech Center Drive, Suite 100, Sacramento, CA 95826, by 4 p.m. on May 6, 2002, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand delivery be submitted in triplicate. A public hearing regarding the proposed rulemaking has been set for May 6, 2002 at 10:00 a.m. at 9342 Tech Center Drive, Suite 100, Sacramento, CA 95826.

Comments sent by facsimile: (916) 255-3344, or electronic mail: kennedyw@insurance.ca.gov must be received before 4:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the CDI to provide copies of any notices for proposed changes in the regulation text of which additional comments may be solicited.

CONTACT: Substantive and general inquiries concerning the action described in this notice may be directed to Wesley E. Kennedy, Senior Staff Counsel,

at (916) 854-5760. General inquiries may also be directed to George Teekell, Staff Counsel (415) 538-4390. In any such inquiry, please identify the action by using the CDI regulation control number: RH01018367.

AUTHORITY AND REFERENCE

Authority: *CalFarm Insurance Company et al. V. Deukmejian, et al.* (1989) 48 Cal.3d 805, 824; Section 1872.81, Insurance Code. Reference: 1872.81, Insurance Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Insurance Commissioner of the State of California (Commissioner) proposes to add Subchapter 9, Article 5, Section 2698.68, Title 10, Chapter 5 of the CCR regarding the program for assessment of insurers to fund the automobile insurance consumer services function of the CDI. The purpose of the proposed amendment is to implement, interpret and make specific the provisions of California Insurance Code (CIC) section 1872.81 which requires the Commissioner to assess funds for the purpose of funding the consumer services functions of the Department relating to automobile insurance.

SB 940, Chapter 884, Statutes of 1999, was signed by the Governor on October 9, 1999 and, inter alia, added CIC 1872.81. CIC section 12921 requires the Commissioner to enforce the provisions of the Insurance Code and other laws regulating the business of insurance in the State of California. CIC section 1872.81, requires the Commissioner to establish an annual assessment on each automobile for which a policy of insurance has been issued in order to fund the consumer services function of the CDI relating to automobile insurance, specifically including the rating and underwriting services bureau, the claims services bureau, the investigations bureau or any successor bureaus of the CDI that may assume the consumer services functions of these bureaus.

The proposed addition is necessary to implement, interpret and make specific the provisions of CIC sections 1872.81 and to establish a process and methodology for calculating and collecting the assessment that conforms with that currently employed in the related provisions of title 10, CCR, sections 2698.61 and 2698.62. The proposed action would specify the criteria for the calculation and payment of the annual assessment.

The specific regulation being added by this notice is as follows:

Section 2698.68 Purpose and Assessment of Annual Fee

In addition to the fee imposed pursuant to California Insurance Code Section 1872.8, each insurer will be assessed and will pay an annualized fee of thirty cents

(\$.30) for each vehicle it insures under a policy of insurance issued in this State. This fee shall be paid in increments of seven and one half cents (\$.075) for each calendar year quarter or any part thereof. The assessment shall be made and submitted in the same manner as set forth in Section 2698.62 of this Title.

MATERIAL INCORPORATED BY REFERENCE

There is no material incorporated by reference.

DETERMINATIONS

EFFECT ON SMALL BUSINESSES

The proposed regulation will not have an adverse effect on small businesses. The assessment provided for by this regulation are directed at admitted automobile insurance carriers.

IMPACT ON BUSINESSES AND JOBS

It is the initial determination of the Commissioner of the California Department of Insurance that the regulations would not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with the businesses on other states because the proposed regulation does not impose any additional expense on affected entities. The Commissioner has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently within the State of California.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Insurance Commissioner must determine the potential impact of the proposed action on private persons or businesses directly affected by the proposal. The proposed regulations are not expected to have significant cost impact on private persons or businesses directly affected. The proposed amendments do not create or impose any additional assessment.

IMPACT ON HOUSING

The matters proposed herein will not affect housing costs.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The CDI has determined that there will be no cost savings or increase, nor will these regulations impose a mandate on local agencies or school districts, nor are

there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(12), the CDI must determine that no alternative considered by the California Department of Insurance would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affect private persons than the emergency action.

The Commissioner must determine that no alternative considered by the agency would be more effective in carrying out the purposes for which the regulation are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations. The amendments proposed in this notice have been developed as a result of discussion with affected entities and members of the public since the original regulations text was adopted and during the promulgation of amendments in a similar grant program.

FEDERAL FUNDING

The matters proposed herein will not affect federal funding.

NON-DISCRETIONARY COST OR SAVING

The matters proposed will not impose any non-discretionary cost or savings to local agencies.

COSTS AND SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to state agencies.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

ACCESS TO HEARING ROOMS

The facilities used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below in order to make special arrangements, if necessary).

REPRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Commissioner prior to the public hearing on the proposed regulations. Written comments transmitted via facsimile machine will be accepted. Comments should be sent to the agency contact person: Department of Insurance, Fraud Division, Attn: Wesley E. Kennedy, 9342 Tech Center Drive, Suite 100, Sacramento, CA 95826.

All interested persons may present oral/or written testimony at the scheduled public hearing.

ACCESS TO COPIES OF PROPOSED REGULATION AND INITIAL AND FINAL STATEMENT OF REASONS

The CDI has prepared and has available for public review an initial statement of reasons for these regulations and any supplemental information contained in the rulemaking file. CDI will prepare and make available a final statement of reasons for these regulations. Upon prior request, the rulemaking file is available for inspection at 9342 Tech Center Drive, Suite 100, Sacramento, California, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. Requests should be directed to the agency contact person (listed above).

The CDI maintains an internet website where copies of materials distributed by the Department may be obtained. That website is: www.insurance.ca.gov. At the top of the page find the heading "Protecting Consumers." In this section find the subheading "BE INFORMED." Click on the "search for proposed regulations" link. When the search field appears enter "RH01018367" (the Department's regulation file number for these regulations). Alternatively, search for the CIC code section that these regulation implement (e.g., "1872.81") or search by key word (e.g., "assessment" or "consumer services"). Then click on the "submit" button to display links to the related documents.

ADOPTION OF REGULATION

Following the close of comment period and hearing, the Commission may adopt the regulation substantially as described in this notice and Informative Digest. Copies of the regulation, as adopted, will be sent to all persons on the Commissioner's interested parties mailing list and to all persons who provided comments during the comment period or at the public hearing, and those persons who have requested copies of information regarding the regulations.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of these regulations as proposed would not mandate the use of specific technologies or equipment.

PUBLIC DISCUSSION

A public discussion was not undertaken prior to the publication of this regulation. The amendments do not involve complex or a large number of proposals that can not easily be reviewed during the comment period. In addition, the amount of the assessment is directed by statute and the text incorporates existing regulatory

text recently promulgated in a closely related program. It is not anticipated that these conforming amendments will be controversial.

ADDITIONAL STATEMENTS AND COMMENTS

As a result of public comment (oral or written), the Commissioner may determine that changes to the proposed regulations are appropriate. If those changes are sufficiently related to the original text that the public was originally noticed of in this proposed regulatory action, copies of the revised proposed regulations will be sent to all persons who testified at the public hearing or submitted comments during the comment period or at the public hearing, and those persons who have requested copies of information regarding the regulation. The full text of the changed regulations will be available for at least 15 days prior to the date on which the agency adopts, amended or repeals the resulting regulations. At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was not adequately placed on notice that the changed action could result from the originally proposed action. If adopted this regulation will appear in Title 10, Chapter 5, Subchapter 9, Article 5, section 2698.68, CCR.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION: AMEND COMMISSION REGULATION 1005 AND THE DOCUMENT, TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of the Commission on POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

As part of an ongoing review of Regular Basic Course content, POST staff and curriculum consultants (academy instructors and other subject matter

experts) thoroughly review learning domain content to determine if revisions are necessary. This process occurs in regularly scheduled workshops during which curriculum and supporting materials for specific domains are updated to reflect emerging training needs, compliance with legislatively mandated subject matter, changes in the law, or to improve student learning and evaluation.

Proposed changes to the training and testing specifications for Learning Domains #23 Crimes in Progress and #36 Information Systems are the result of these regularly scheduled reviews. This proposal does not include amendments to the minimum hourly requirement for these domains. The proposed changes intend to accomplish the following goals:

- Add, modify and delete current learning needs/objectives to provide greater clarity, conform with current terminology, strategies, changes in the law; and
- Establish or update revision dates.

All proposed changes have been reviewed and endorsed by the Consortium of Academy Directors. Upon approval through the Notice of Proposed Regulatory Action Process of the Administrative Procedures Act, the changes would go into effect July 1, 2002.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on April 1, 2002. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at ken.obrien@post.ca.gov

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8 any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons

who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commissions' normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendment of Regulation 1005 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text for the proposed curriculum revisions to the Regular Basic Course should be directed to Kelly York, (916) 227-0544, fax number (916) 227-6932 or e-mail at Kelly.York@post.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION: AMEND COMMISSION REGULATION 1005, PROCEDURE D-1, THE DOCUMENT, *TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES*, AND ELIMINATE THE DOCUMENT, *TRAINING AND TESTING SPECIFICATIONS FOR THE SPECIALIZED INVESTIGATORS'* *BASIC COURSE*

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of the Commission on POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt

and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At the April 27, 2000 meeting, the Commission approved changes to the POST-prescribed minimum hours and curricula for the Specialized Investigators' Basic Course (SIBC). The changes included: 1) the adoption of 32 of the 41 Regular Basic Course (RBC) learning domains into the course in their entirety; 2) utilizing the student workbooks for the 32 RBC learning domains to standardize instruction; 3) increasing the minimum hourly requirement for the course to 587 hours; 4) adoption of four investigative-specific learning domains (the 60's series) that would cover a range of specific training needs for investigators; and 5) development of student workbooks for the four new investigative-specific learning domains (60's series) to compliment those used in the RBC.

At the July 20, 2000 meeting the Commission approved the adoption of the new document, *Training and Testing Specifications for Peace Officer Basic Courses*. This new training specification document combined four previous publications into one; including the majority of the content (the 32 RBC learning domains) contained in the *Training Specifications for the Specialized Investigators' Basic Course*. The Commission agreed to keep the four investigative-specific learning domains (60's series) in the *Training Specifications for the Specialized Investigators' Basic Course* document until the student workbooks for those domains had been completed; at which time those domains would then be folded into the document, *Training and Testing Specifications for Peace Officer Basic Courses*.

Development of four draft workbooks for the investigative-specific (60's series) learning domains was completed in late September 2001. Based on these draft documents, the training specifications for the four domains have been modified to be folded into the document, *Training and Testing Specifications for Peace Officer Basic Courses*. As was done when the RBC student workbooks were developed, the curriculum for the four domains were modified to reflect emerging training needs, changes in the law, or to resolve curriculum, testing and evaluation problems. In most instances, changes to the learning domains were made for clarification of instruction, accuracy and consistency. Following are summaries of the other proposed changes:

- Learning Domain #60 has been retitled "Surveillance". Since vehicle operations is actually covered in Learning Domain #19 in the RBC, the subject

matter experts recommended that they adopt portions of Learning Domain #19. To accomplish this, 12 hours of the original 24 hours for Learning Domain #60 is being moved to Learning Domain #19.

- Learning Domain #61 has been retitled "Administrative Procedures" to eliminate redundant curriculum with Learning Domain #16, Search & Seizure in the RBC. However, the minimum hourly requirement will remain the same; 24 hours.
- Learning Domain #63 has been refined to reflect the most recent technological advances. Upon review of the proposed curriculum, the subject matter experts recommended that the domain be increased to a minimum of 12 hours of instruction in order to adequately cover the material. This proposed change would increase the overall minimum hourly requirement for the SIBC to 591 hours.

Eliminating the *Training Specifications for the Specialized Investigators' Basic Course* by folding the four investigative-specific learning domains into the document, *Training and Testing Specifications for Peace Officer Basic Courses* requires modifications to Regulation 1005 and Commission Procedure D-1. Upon approval through the Notice of Proposed Regulatory Action Process of the Administrative Procedures Act, the changes would go into effect July 1, 2002.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on April 1, 2002. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at ken.obrien@post.ca.gov

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8 any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all

persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commissions' normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendment of Regulation 1005 and Commission Procedure D-1 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at Leah.Cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Kelly York, Associate Governmental Program Analyst, (916) 227-0544, fax number (916) 227-4823 or e-mail at Kelly.York@post.ca.gov.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

NOTICE OF PROPOSED RULEMAKING

Conversion Exemptions Limitations—2002

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following section of Title 14 of the California Code of Regulations (14 CCR):

§ 1104.1(a) Conversion Exemptions

PUBLIC HEARING

The Board will hold a public hearing starting at 1:00 P.M., on Wednesday, April 3, 2002, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in

writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, April 1, 2002. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551, 4551.5, and 4553 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific section 1104.1 of the Public Resources Code. PRC 4584 directs the Board to adopt rules and regulations pursuant to that same statute.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing statute: Section 4584 of the Public Resources Code (PRC) exempts less than (three) 3 acre one time conversions of timberland to a non timber use from conversion permits and timber harvesting plan (THP) requirements (PRC 4581) and from the completion report and stocking report requirements (PRC 4585 and 4587). The exemption process assumes a low likelihood of environmental impact. This is especially important because the Board and Department consider approval of such timber operations to be a ministerial action, so they are not subject to the interagency review which is used for Timber Harvesting Plans and which is designed to identify and mitigate potentially significant adverse environmental impacts.

This law further restricts the use of this exemption by a person or company to once every 5 years and directs the Board to develop regulations documenting "bona fide intent", authorizing inspections of the conversion areas, terminating the exemption when land ownership changes, and establish procedures to waiver of the 5 year limitation due to undue hardship.

Title 14 of the California Code of Regulations is being revised to comply with, interpret and clarify the requirements of the PRC 4584.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action beyond those already incurred as a result of the statute.

- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will have no effect small business beyond those already incurred as a result of the statute.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418 or,
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at: http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 7071 and 8587.1, Fish and Game Code of the Fish and Game Code, and to implement, interpret or make specific sections 97, 7056, 7071, 8585.5, 8587, and 8587.1 of said Code, proposes to add Section 52.10, Title 14,

California Code of Regulations, regarding optimum yields/allocations for sheephead, cabezon, and greenling fisheries.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

In December of 2000, the Fish and Game Commission adopted annual optimum yields (OYs) for sheephead, cabezon and greenling fisheries as part of a package of interim nearshore fishery management measures. The Commission also approved recreational and commercial allocations for each species.

In the summer and fall of 2001, the Commission took three separate emergency actions to close the commercial nearshore fisheries for sheephead, cabezon and greenling because their allocations were exceeded and the fishery OYs were threatened with being exceeded. Emergency action was necessary because neither the OY nor the mechanism for closing the fishery, in the event an allocation was reached, was established in regulation.

The proposed regulations would direct the Department to take action to close either or both recreational or commercial sectors of these fisheries upon projected attainment of OY's and fishery allocations specified in regulation.

The proposed regulations would specify the OY values for nearshore fish stocks adopted by the Commission in December 2000. These include 223,483 pounds for California sheephead, 178,728 pounds for cabezon, and 39,823 pounds for greenlings. Allocation values would be established as follows: for sheephead, the recreational allocation is 135,524 pounds, and the commercial allocation is 87,959 pounds; for cabezon, the recreational allocation is 84,330 pounds, and the commercial allocation is 94,398 pounds; and for greenlings, the recreational allocation is 26,403 pounds and the commercial allocation is 13,420 pounds.

Maintaining the status quo situation would continue the task of undertaking up to six emergency closures on each component of each of these fisheries, which is cumbersome for the Commission, the Department and the Office of Administrative Law. Furthermore, even with emergency actions, fisheries would continue to operate beyond prescribed harvest levels until the closures are effective.

The proposed regulations also describe the procedure the Department will follow in making projections of commercial and recreational catch of sheephead, cabezon and greenling using landing receipt information and the best available scientific data. Upon projected attainment of any allocation, the Department shall notify the Commission, commercial permittees and the public of an upcoming closure via Department

news releases and/or notification letters at least 10 days in advance of the specified date.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Hubbs-Sea World Institute, Shedd Auditorium, 2595 Ingraham Blvd., San Diego, CA, on Friday, March 8, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA, on Friday, April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, March 29, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than April 5, 2002, at the hearing in Long Beach, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Kathy Maxwell at the preceding address or phone number. Don Schultze, Department of Fish and Game, phone (916) 227-5670, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulations only serve to establish harvest policies in regulation that were already effective in 2001, as well as provide a mechanism for closing the fisheries once allocations are reached.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The agency must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of California Notice Register 2001, No. 39-Z, and Meetings of August 3, 2001, October 4, 2001 and December 7, 2001.)

(NOTE: Please note the changes shown in **bold** in: the Updated Informative Digest; the meeting date and location for the adoption hearing and deadlines for receipt of comments; and part (a) of the Impact of Regulatory Action.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071, 7075, 7078, 7083 and 7088 of the Fish and Game Code and to implement, interpret or make specific sections 2362, 7070, 7071, 7075, 7078, 7082, 7083, 7086, 7087, 7088, 8383, 8383.5 and 8623 of said Code, proposes to add sections 50.00, 50.01, 50.02 and 50.03 to new Article 1 and sections 51.00, 51.01, 51.02, 51.04 and 51.05 to new Article 2 of new Chapter 5.5, Division 1, add sections 155.01, 155.1 and 155.10 and amend Section 109, Title 14, California Code of Regulations, and make inoperative sections 8383 and 8383.5, Fish and Game Code, relating to the Fishery Management Plans (FMP), Generally, FMP Definitions, Purpose and Scope of the Plan, Actions Requiring Plan Amendment, Framework Review Processes, White Seabass Fishery Management Plan (Plan) Purpose and Scope, Definitions, Process and Timing, Allocation Factors, Harvest Control Rules (Optimum Yield Options), Adoption of White Seabass Commercial Laws Including Size Limit, Closed Season, Use of Purse Seine and Round Haul Nets, Delivery of White Seabass from Mexico, Gill Nets Used to Take White Seabass and Incidental Take of Thresher and Shortfin Mako Shark in White Seabass Drift Net.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, the Fish and Game Commission (Commission) is authorized to regulate commercial and recreational fisheries for white seabass (Fish and Game Code Sections 200, 205, and 7071). The Marine Life Management Act of 1998 (MLMA) directs that fisheries be managed pursuant to fishery management plans and that a White Seabass Fishery Management Plan (White Seabass FMP or plan) that was developed and approved by the Commission in 1996 remain in effect until amended to conform with the MLMA. The MLMA further directs that the White Seabass FMP be amended on or before January 1, 2002, and that the Commission adopt implementing regulations not later than 60 days after the plan amendments are adopted by

the Commission. The MLMA authorizes the Commission to regulate fisheries for white seabass and to make Fish and Game Code Statutes for white seabass inoperative.

Existing white seabass laws and regulations protect subadult and young adult white seabass through a 28-inch minimum size limit, a 3-fish daily bag and possession limit, commercial gear (net) restrictions (prohibition on use of round haul and minimum mesh size for gill and trammel nets), and an annual spring season fishing closure (March 15 through June 15) to protect adult spawning white seabass with a provision authorizing the take of one legal size white seabass during the spawning season closure by sportfishing and one legal size white seabass if taken incidental to fishing with gill or trammel nets. Existing regulatory measures for white seabass have been adopted or adjusted (amended) during recent decades toward the goal of rebuilding white seabass stocks off California.

The proposed regulation changes would add new Chapter 5.5 dedicated to regulations implementing fishery management plans adopted pursuant to the MLMA. New Articles 1 and 2, of Chapter 5.5 would contain regulations that apply to fishery management plans in general (Article 1) and the White Seabass FMP in particular (Article 2). Several new Title 14 sections (50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.1, and 155.10) are proposed to be added to, or amended (109) in Title 14, CCR. Fish and Game Code Section 8383 (the closed commercial white seabass season that was adopted in June 2000 as Section 155, Title 14, CCR) and Section 8383.5 (commercial white seabass minimum size limit) are proposed to be made inoperative in the Fish and Game Code. The proposed new regulations specify definitions that apply to management involving fishery management plans in general and the white seabass fishery specifically. Also, regulations describe the purpose and scope of the White Seabass FMP, where recreational and commercial regulations are located in Title 14, and the process and timing of white seabass monitoring. Proposed regulations authorize the director to appoint a White Seabass Scientific and Constituent Advisory Panel (WSSCAP), describes general criteria for membership on the WSSCAP, describes the general timing and processes for developing, considering, and adopting regulatory changes associated with white seabass fishery management, plan amendment, determination of harvest guidelines, including optimum yields, and considerations that guide white seabass allocation.

More specifically, the regulations would:

- 1) Add Section 50.00 to Article 1 of new Chapter 5.5 describing the location of regulations applicable to sport fishing, commercial fishing, and a fishery management plan for a species or species group.
- 2) Add Section 50.01 containing 24 definitions, **including a minor revision to the definition of Acceptable Biological Catch**, that apply generally to fishery management plans and related fisheries management measures (unless defined otherwise in regulations specific to a fishery management plan), and specifies that definitions found in Chapter 1 of Title 14, CCR, and Chapters 1 and 2 of Division 0.5 of the Fish and Game Code will apply to FMPs where not in conflict with definitions found in an FMP.
- 3) Add Section 50.02 describing changes in management measures and actions that trigger the need for amendment of an FMP.
- 4) Add Section 50.03 describing three processes for taking management action to implement routine annual changes in management that range from a "prescribed action" involving no public notice where regulatory guidelines are first adopted by the Commission, to a "full rulemaking action" involving at least three Commission meetings to hear, consider, and approve measures.
- 5) Add Section 51.00 to Article 2 of new Chapter 5.5 describing the purpose and scope of the White Seabass FMP, the location in Title 14 of white seabass sport and commercial fishing provisions, and specifies that where white seabass weight is given for white seabass, the weight is in pounds round weight or round-weight equivalent.
- 6) Add Section 51.01 with definitions for *Fishing year*, *overfished stock*, *points of concern*, *points of concern process*, *socio-economic benefits*, *white seabass*, *white seabass fishery*, and *White Seabass Fishery Management Plan*, that are specific to the White Seabass FMP.
- 7) Add Section 51.02 that directs that white seabass management is to conform to the goals, objectives, criteria, and procedures of the White Seabass FMP, specifies that monitoring of fishing is done annually, authorizes the Director to appoint a White Seabass Scientific and Constituent Advisory Panel (WSSCAP), directs that regulations remain in force until amended or repealed by the Commission, and sets a general time line for annual development and adoption of specifications and management measures.
- 8) Add Section 51.04 which directs that white seabass fishery allocations be based on a ratio specified in the plan, describes factors **that, at a minimum, will be considered** during a change in allocation of white seabass, and provides that modification of a direct allocation to a fishery may be "a routine management measure where criteria are adopted in regulation.

- 9) Adds Section 51.05 describing **four** possible options, and four suboptions, for harvest control rules with all but one option involving the determination of an optimum yield for the fisheries **ranging from 283,979 and 1.3 million pounds.**
- 10) Adds Section 155.01 that adopts as a regulation the current 28-inch commercial minimum size limit for white seabass that presently is contained in Fish and Game Code Section 8383.5, and make Section 8383.5 inoperative.
- 11) Adds Section 155.1 that adopts as regulation current restrictions of Fish and Game Code Sections 2362 and 8623, on the use of purse seine and other round haul nets off California, and adopts the language of Section 109, Title 14, CCR as Subsection (d) of proposed Section 155.1 regarding requirements for delivery, inspection, and clearance of white seabass on a vessel carrying a purse seine or other round haul net.
- 12) Adds Section 155.10 that adopts as regulations current requirements of Fish and Game Code Sections 8623 and 8576 governing vessels landing white seabass with gill nets, including minimum mesh size, incidental take of white seabass during the season closure, and the incidental take of thresher and shortfin mako shark in drift gill nets when fishing for white seabass.
- 13) Remove reference to white seabass from Section 109 to avoid duplication with proposed new Section 155.1(subsection d).
- 14) Makes inoperative Fish and Game Code Sections 8383 and 8383.5 because they will now appear in regulations of Title 14, CCR.

Based on a review of public input and comments provided on the WSFMP by a peer review panel that reviewed the plan, three changes (shown in bold in the above summary of proposed changes) were made to the originally proposed regulatory language for purposes of clarity and conservative management of white seabass in the absence of direct stock abundance estimates. These changes include a change in the proposed definition of *Allowable Biological Catch* (ABC) to clarify that ABC means “allowable catch” in addition to the originally proposed “range of allowable catch”, and a modification in the definition to reflect that the ABC is set by the “Commission and is based on recommendations of the Department or other scientific advisors in proposed Subsection 50.01(a). Secondly, the proposed “Allocation” regulation for white seabass is amended to provide for allocation in weights other than pounds if needed, and to clarify that criteria to be considered by the Commission when allocating harvests are to be “at

least” those criteria included under the allocation section proposed as subsections 51.04(a) and (b). Finally, the regulatory changes would add a suboption (B2) to the originally proposed four options under Harvest Control Rules that would set the maximum pounds of white seabass that may be taken in the sport and commercial fisheries at 1.2 million pounds. The 1.2 million pounds of new option B2 is intermediate between the options originally proposed that range from no ceiling on annual harvests [Status Quo under Option A of Section 51.05(a)(1)], to 283,979 pounds [under Suboption C3 of Section 51.05(a)(3)].

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the **City Council Chambers, 333 W. ocean Boulevard, Long Beach, CA, on Friday, April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before March 29, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than April 5, 2002 at the hearing in Long Beach.** E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based, are on file and available for public review from the agency contact person, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Don Schultze, (916) 227-5670, Department of Fish and Game, has been designated to respond to questions on the substance of the proposed regulations. Copies of the statement of reasons, including the regulatory language, may be obtained from the above address.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The Proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

No changes are being proposed at this time in season, size, bag, and gear provision in conjunction with adoption of White Seabass FMP implementing regulations. Therefore, there are no expected economic impacts associated with adoption of those provisions as regulations.

The original Notice of Proposed Change in Regulations and Initial Statement of Reasons in support of adoption of implementing regulations, included a discussion of a sport/commercial allocation ratio for annual white seabass catches that would have allocated 55 percent of annual harvest to the sport fishery, and 45 percent to the commercial fishery. An allocation ratio becomes a factor in adopting management restriction only at the point where the total annual harvest (optimum yield or OY) for both fisheries is reached during a year, which is not expected to occur in the white seabass fisheries for a number of years. The current preferred harvest control rule, Option B2, of proposed Section 51.05, would set the ceiling for annual harvest at 1.2 million pounds, a level of harvest above current total white seabass harvests.

No allocation ratio is proposed as a part of these White Seabass FMP implementing regulations. However, a discussion of the potential impacts of such an allocation was provided in the original Notice of Proposed Changes in Regulations, and in a discussion of impacts in the Initial Statement of Reasons because of potential future impacts of allocation on the fisheries should catches increase in the future and should catches be allocated in the 55:45 harvest ratio which had been tentatively discussed during ad hoc White Seabass Advisory Committee meetings prior to the initial Publication of Notice of the regulations. Subsequent

to the original publication of notice of the regulation changes, consideration of a specific allocation ratio for use in the future was discouraged by the Advisory Committee and concurred in by the Department at this time, even though, as indicated above, no reference to an allocation ratio was included in the White Seabass FMP or the proposed implementing regulations. Rather, development of an allocation ratio was encouraged following adoption of the White Seabass FMP and implementing regulations, and following the establishment of the White Seabass Scientific and Constituent Advisory Panel.

Due to the likelihood that allocation of white seabass annual harvests will not be needed for a period of years, and that a 55:45 percent allocation ratio of white seabass annual harvests between fisheries is not being considered at this time, a discussion of the potential effects of that allocation was eliminated. Consequently, there is no expected significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

No other significant effects of the proposed regulatory changes, economic or otherwise, are anticipated on jobs, representative private persons or businesses, costs or savings to State agencies or costs/savings in Federal funding to the state, nondiscretionary costs/savings to local agencies, programs mandated on local agencies or school districts, costs imposed on any local agency or school district that is required to be reimbursed under Part 7 of Division 4, and effects on housing costs, as indicated in the Initial Statement of Reasons.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 2084 and 7891 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, to conform ocean sport fishing regulations for salmon within state waters to those agreed upon by the Pacific Fisheries Management Council (PFMC).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

The PFMC is expected to adopt regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2002. The various alternatives the PFMC will examine in the process of adopting the management options on March 15, 2002, for public review may include:

- 1. Minimum size of salmon that may be retained;
- 2. The number of rods anglers may use (e.g., one, two, or unlimited);
- 3. The type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
- 4. The number of salmon that may be retained per angler-day or period of days;
- 5. Allowable fishing dates and areas; and
- 6. The overall number of salmon that may be harvested, by species and area.

Public hearings will be held on the options during the last week of March 2002.

The final regulation recommendations will be made by the PFMC on April 12, 2002. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC; otherwise preemption of State regulatory authority by the Secretary of Commerce may occur.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Hubbs-Sea World Institute, Shedd Auditorium, 2595 Ingraham Blvd., San Diego, CA, on Friday, March 8, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA, on Friday, April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, March 29, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than April 5, 2002, at the hearing in Long Beach, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Kathy Maxwell at the preceding address or phone number. Scott, Barrow, Marine Region, Department of Fish and Game, phone (707) 431-4343, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons,

including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This is because regulations, close to status quo, are expected to be adopted.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The agency must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, has open to public review its regulations in Division 1, Title 14, California Code of Regulations, Part 2, Chapter 1, General Provisions and Definitions; Chapter 2, Resident Small Game; Chapter 3, Big Game; Chapter 4, Depredation; Chapter 5, Furbearing Mammals; and Chapter 6, Nongame Animals.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe

the manner and means of taking as part of the 2002–2003 Mammal Hunting and Trapping Regulations.

At the Fish and Game Commission’s meeting on February 9, 2002, the Department of Fish and Game made the following recommendations for changes relative to game mammal, furbearer and nongame mammal regulations for the 2002–2003 seasons: proposes to amend sections 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 460, 472, 474, 555, 601 and 711, repeal sections 370, 371, 372 and 373, and add sections 477 and 708, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2002–2003 Mammal Hunting and Trapping Regulations.

INFORMATIVE DIGESTS/POLICY STATEMENT OVERVIEW

Section 265, Use Of Dogs for Pursuit/Take of Mammals or for Dog Training

Current regulations erroneously describe the line forming the boundary of the Southern Sierra dog control zone. The proposed change rectifies the error by correctly naming roads in boundary descriptions.

Section 308, Brush, Cottontail and Pigmy Rabbits, and Varying Hare (Snowshoe)

Existing regulations allow the taking of brush and cottontail rabbits statewide. The Department recently has received additional information regarding the range of a subspecies of brush rabbit classed as endangered. This subspecies, the riparian brush rabbit, was thought to occur only in Caswell Memorial State Park in southern San Joaquin County, where hunting is prohibited. Recent information indicates that it also occurs in an additional area of San Joaquin County located between Stockton and Tracy. The proposed regulation change would amend Section 308 to close the area of this recently discovered population to the take of brush and cottontail rabbits. Cottontails are included in the closure because brush rabbits can’t readily be distinguished from cottontails under hunting conditions.

Subsection 360(a), Deer: A, B, C, and D Zone Hunts

Existing regulations provide for deer hunting in adjacent Zones D-4 and X-7b. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal incorporates this area into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the shared boundary are ambiguous and difficult to

discern while in the field. This condition can lead to confusion and possible violation of area boundaries. For consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations do not specifically provide for deer hunting on Santa Catalina Island. From 1998 through 2000, deer hunting activities were conducted under a Private Lands Management Area (PLM) license authorized through the Commission pursuant to Section 601. In 2001, the PLM operator discontinued hunting activities under this license, and the status of deer hunting on the island was unclear and confusing. The proposal would add Santa Catalina Island to the area description for Zone D-15, in order to clarify the island’s hunting zone status.

Existing regulations for a C Zone tag provide for hunting during the general season in Zones C-1, C-2, C-3 and C-4, and during the archery season in Zones C-2 and C-3. Proposed regulation changes in archery hunting (Section 361) would create a C Zone Archery Only tag (proposed Hunt A-1 modification), valid in all four C Zones during the archery season only. C Zone tags would only be valid during the general seasons. A minor editorial change is necessary to clarify valid zone and season use for C Zone tags to prevent confusion.

Existing regulations provide for the number of license tags available for the A, B, C, and D zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Zone	Number of Tags	
	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	11,500	8,000-20,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-4,000
D-14	3,000	2,000-3,500
D-15	1,500	500-1,500
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-1,500

Subsection 360(b), Deer: X-Zone Hunts

Existing regulations provide for a 16 day season beginning the third Saturday in September in Zones X-7a and X-7b. This opening date overlaps numerous B, C and D zone opening dates, occurs during warmer weather which is less desirable to hunters, and is inconsistent with seasons in other similarly managed X zones (X-1 through X-6b). In an effort to increase opportunity for hunters, meet a public demand for later seasons, and provide for consistency in regulation the proposal moves the season opener for Zones X-7a and X-7b two weeks later.

Existing regulations provide for deer hunting in adjacent Zones X-7b and D-4. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal removes this area from the Zone X-7b area description and incorporates it into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the shared boundary are ambiguous and difficult to discern while in the field. This condition can lead to confusion and possible violation of area boundaries. for consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Zone	Number of Tags	
	Current	Proposed
X-1	2,670	1,000-6,000
X-2	175	50-500
X-3a	335	150-1,500
X-3b	960	200-3,000
X-4	565	100-1,500
X-5a	130	50-300
X-5b	265	50-800
X-6a	400	100-1,200
X-6b	360	100-1,200
X-7a	260	50-600
X-7b	75	0-200
X-8	515	100-750
X-9a	950	100-1,200
X-9b	300	100-600

Zone	Number of Tags—Continued	
	Current	Proposed
X-9c	850	100-1,000
X-10	400	200-600
X-12	895	100-1,200

Subsection 360(c), Deer: Additional Hunts

Existing regulations provide for deer hunting seasons which extend through or occur totally within January for additional hunts G-11, G-19, M-6, and J-8. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis, the proposal would move seasons such that hunt seasons do not extend beyond December 31.

Existing regulations provide for special deer hunting opportunities and seasons on military bases with additional hunts G-7, G-8, G-9, G-10, G-11 and J-10. Events of September 11, 2001 forced cancellation of most of these hunts due to heightened base security and military operations. In an effort to provide flexibility for the scheduling of these hunting seasons, the proposal provides a window between the scheduled season opening and December 31, in which the hunt can be conducted. Should the Base Commander choose to reschedule the hunt season, it must be with the concurrence of the Department and occur before December 31. In addition, the proposal increases the season length for Hunt G-7 from 51 consecutive days to 79, in order to provide more flexibility for conducting the hunt. The proposal also provides clarification of hunt cancellation policy for tag exchange or refund in the Special Conditions in order to provide notification of the Department's policy which is not readily available to the public.

Existing regulations provide for special conditions for Hunt J-4 which require hunt participants to attend a mandatory meeting the day before opening day. This requirement has been unpopular with many hunt participants as it unnecessarily reduces their time for scouting and hunting and may further reduce participation. The proposal would eliminate this requirement and instead information presented at the meeting would be mailed to the hunt participants with their tags.

Existing regulations provide for special conditions in all junior hunts (Hunts J-1 through J-15) which require that their adult chaperon be "licensed" and "non-hunting". These conditions unnecessarily restrict hunter participation based on requirements of their chaperon. The proposal would remove this condition from all junior hunts.

Existing regulations provide for limited or no junior hunting opportunities in Zones D-3, D-4, D-5, X-7a and X-7b. In an effort to increase hunting opportunity for young hunters, and provide for a specific public demand for junior deer hunting, while meeting

approved deer herd plan objectives, the proposal would create 5 new junior hunts: J-16, J-17, J-18, J-19 and J-20, in Zones D-3, D-4, D-5, X-7a and X-7b, respectively. The hunt area descriptions would correspond to the zone descriptions, and seasons would be concurrent with the general season as described in subsections 360(a) and (b). The bag and possession limit would be one either-sex deer, with individual hunt tag quota ranges from 5-20 to 10-75 tags. Special conditions would require that applicants be junior license holders and be accompanied by an adult 18 years of age or older while hunting.

Existing regulations provide reference to other sections and subsections in Title 14, CCR. Under current proposals, Sections 370, 371, 372 and 373 would be deleted and moved to a new Section 708,

titled Big Game License Tag, Application, Distribution and Reporting Procedures. The proposal would provide minor editorial revisions for consistency in section and subsection reference changes, as well as, any adjustments for subsection numbering, spelling and grammar.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

NUMBER OF TAGS					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500-5,000	M-11	20	20-200
G-3	25	25-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	50-200
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	30 Military * 30 Public	30 Military * 30 Public	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	380 Military * 100 Public	380 Military * 100 Public	J-7	10	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	17	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 30 Public	10 Military * 30 Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
M-3	20	20-75	J-15	10	5-30
M-4	15	15-50	J-16	New Hunt	10-75
M-5	15	15-50	J-17	New Hunt	5-25
M-6	80	25-100	J-18	New Hunt	10-75
M-7	150	50-150	J-19	New Hunt	10-40
M-8	40	20-75	J-20	New Hunt	5-20
M-9	15	10-100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense

Subsection 360(d), Deer: Fund-Raising License Tags

Existing regulations provide for a deer hunting season which begins the second Saturday in July and extends through January 31 for Golden Opportunity Fund-raising License tags. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis, the proposal would change the season end date from January 31 to December 31.

Existing regulations provide reference to other sections and subsections in Title 14, CCR. Under current proposals, Sections 370, 371, 372 and 373 would be deleted and moved to a new Section 708, titled Big Game License Tags, Application, Distribution and Reporting Procedures. The proposal would provide minor editorial revisions for consistency in section and subsection reference changes, as well as, any adjustments for subsection numbering, spelling and grammar.

Section 361, Archery Deer Hunting

Existing regulations provide for archery hunting in the C Zones with a general C Zone tag (Zones C-2 and C-3 archery seasons); Hunt A-1 (Zone C-1 Archery Hunt); Hunt A-2 (Zone C-4 Archery Hunt); and with an Archery Only #1 or #2 tag (Zones C-2 and C-3 archery seasons). While general C Zone tagholders can hunt during the general season in all four zones (C-1 through C-4), and during the C-2 and C-3 archery seasons, archery method hunters are restricted to hunting no more than two zones with any single archery specific tag. In an effort to alleviate restrictions on C Zone archery hunters, the proposal would create a single C Zone Archery Only tag by the following actions: 1) modify general C Zone tag valid zone and season use by removing Zones C-2 and C-3 archery seasons; 2) modify Hunt A-1 from the Zone C-1 Archery tag to a C Zone Archery Only tag valid during the archery seasons only in Zones C-1 through C-4; 3) delete Hunt A-2, the Zone C-4 Archery Hunt; and 4) modify the use of Archery Only #1 and #2 tags by excluding Zones C-2 and C-3 from the list of valid zones.

Existing regulations provide for deer hunting seasons which extend through or occur totally within January for Area-specific archery Hunts A-22 (second period) and A-31. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis,

the proposal would move seasons such that hunt seasons do not extend beyond December 31.

Existing regulations provide for identical area descriptions and seasons for Area-specific archery Hunts A-23 and A-31. The bag and possession limit for Hunt A-23 is one antlerless deer, while Hunt A-31 is one either-sex deer, creating an overlap in harvest objectives. In order to simplify and reduce redundancy in the regulation, the proposal would delete Hunt A-23.

Existing regulations provide deer hunting areas, seasons, bag and possession limits, and number of permits for Zone A. While the zone provides early season archery hunting and some limited late season archery hunting opportunities in the northern portion of the zone, no late season opportunity exists in the southern portion of the zone. The proposal would establish a new Area-specific archery Hunt A-32, the Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt. The hunt area would encompass those portions of Ventura and Los Angeles counties within the A Zone, season beginning the second Saturday in November and extending for 23 consecutive days, a bag and possession limit of one either-sex deer, a tag range of 50–300 tags, and methods would be restricted to archery methods only. This proposal would meet a specific public demand for archery hunting which was eliminated by the modification of area boundaries for Hunts A-23 and A-31 in 1998. The proposed hunt would further assist in meeting harvest objectives and existing deer herd management plan recommendations within an area which is largely a firearms closure area.

Existing regulations provide a Hunt Title followed by the Hunt Number for Area-Specific Archery Hunts A-1 through A-31, the reverse of Additional Hunts in subsection 360(c). The proposed change would make minor editorial revisions for consistency in hunt numbers and titles as in subsection 360(c). The proposal would also provide minor editorial revisions for consistency in subsection numbering, spelling and grammar.

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Number of Tags		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	480	150-3,000
A-3 (Zone X-1 Archery)	235	50-1,000
A-4 (Zone X-2 Archery)	25	25-200
A-5 (Zone X-3a Archery)	40	25-300
A-6 (Zone X-3b Archery)	90	25-400
A-7 (Zone X-4 Archery)	115	25-400
A-8 (Zone X-5a Archery)	15	15-100
A-9 (Zone X-5b Archery)	30	15-100
A-11 (Zone X-6a Archery)	135	25-300
A-12 (Zone X-6b Archery)	75	25-200
A-13 (Zone X-7a Archery)	40	25-200
A-14 (Zone X-7b Archery)	15	0-100
A-15 (Zone X-8 Archery)	150	25-200
A-16 (Zone X-9a Archery)	390	50-750
A-17 (Zone X-9b Archery)	300	50-600
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	145	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	25	20-75
A-26 (Bass Hill Archery Buck Hunt)	40	25-100
A-27 (Devil's Garden Archery Buck Hunt)	10	10-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	500	200-2,000
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	NewHunt	50-300

Section 362, Nelson Bighorn Sheep

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags

was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1—Marble Mountains	3
Zone 2—Kelso Peak/Old Dad Mountains	3
Zone 3—Clark/Kingston Mountain Ranges	2
Zone 4—Orocopia Mountains	1
Zone 5—San Geronio Wilderness	2
Zone 6—Sheep Hole Mountains	1
Open Zone Fund-Raising Tags	2
TOTAL	14

The number of tags allocated for each of the six hunt zones is based on the results of the Department's 2001 estimate of the bighorn sheep population in each zone. Tags are proposed to be allocated to allow the take of less than 15 percent of the mature rams estimated in each zone.

Existing regulations specify bighorn sheep tag application and distribution procedures and tagging and reporting requirements. The proposed change establishes new Subsection 708(b) and removes tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$261.50 resident license tag fee for hunting Nelson bighorn sheep. The proposed change increases the application fee to \$6.75 and the resident license tag fee to \$270.25, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

Section 363, Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. The proposed change provides a range of tags for most zones as follows:

Proposed Pronghorn Antelope Tag Allocation, 2002						
NUMBER OF TAGS						
Hunt Area	Archery-Only Season		General Session			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1	1-10	0-3	3-60	0-20	0	0
Zone 2	1-10	0-3	20-80	0-25	0	0
Zone 3	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5	1-15	0-5	3-150	0-50	0	0
Zone 6	1-5	0	3-20	0-7	0	0
Ash Creek Junior Hunt	-		1-10 Either-Sex		0	
Honey Lake Junior Hunt	-		1-10 Either-Sex		0	
Fund-Raising Hunt	2 Buck					

Final tag quotas for hunt zones will be determined based on results of a winter survey which should be completed and analyzed by March of 2002. Final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The final quota for each zone will be reported in the Final Statement.

Existing regulations specify the area, season, bag and possession limit, number of license tags and special conditions for the Carrizo Hunt. The proposal will eliminate this hunt because the status of this population has continued to decline, despite recent changes that reduced the quota to two buck tags.

Existing regulations specify pronghorn antelope tag application and distribution procedures, and tagging and reporting requirements. The proposed change establishes new Subsection 708(c) and removes tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$92.75 resident license tag fee for hunting pronghorn antelope. The proposed change increases the application fee to \$6.75 (for a single application; \$13.50 for a two-party application) and the resident license tag fee to \$95.75, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Minor editorial changes are also proposed to include clarity and consistency of the regulations. References to trespassing and wanton waste are deleted from this Section to reduce redundancy. Trespassing already is prohibited by Fish and Game Code sections 2016 and 2017, and wanton waste is prohibited by Fish and Game Code Section 4304.

Section 364, Elk

Existing regulations provide elk license tag quotas for each hunt. The proposal changes license tag quotas for specific hunts and will: Increase the Shasta quota from one bull and four antlerless tags to five either-sex archery only tags and 10 either-sex general season tags; increase the Marble Mountains quota from 30 either-sex tags to 40 either-sex tags; change the Big Lagoon quota from 25 either-sex tags to 12 bull tags and 13 antlerless tags; change the Klamath quota from 30 either-sex tags to 15 bull tags and 15 antlerless tags; provide five either-sex archery only tags valid for established zones in the Owens Valley; and reduce the total bull tag quota for the Tinemaha zone from 10 to 6.

Existing regulations specify boundaries for the Shasta Rocky Mountain Elk Hunt. The proposed change significantly expands the current hunt zone from Shasta County to include portions of Modoc,

Lassen and eastern Siskiyou counties, so that additional recreational opportunities can be provided consistent with the expansion of elk populations in and near the current hunt area. The hunt is renamed the Northeastern California Rocky Mountain Elk Hunt to reflect the major expansion of hunt zone boundaries.

Existing regulations specify the boundary for the Marble Mountains Roosevelt Elk Hunt, which occurs within a portion of western Siskiyou County. The proposed change expands the boundary for this hunt to include portions of Humboldt, Trinity and Shasta counties so that additional recreational opportunities can be provided consistent with the expansion of elk populations in and near the current hunt area.

Existing regulations specify the boundary for the Big Lagoon Roosevelt Elk Hunt. The proposed change expands the boundary of the Big Lagoon Roosevelt Elk Hunt within Humboldt County. A major private landowner within the hunt boundary (Simpson Timber Company) has requested that this boundary be expanded to allow hunters additional opportunity to hunt elk on their land.

Existing regulations specify boundaries and season dates for elk hunts within the Owens Valley, but do not provide an exclusive opportunity for archers to hunt elk. The proposed change establishes a nine day, archery only hunt period for existing zones in the Owens Valley beginning on the second Saturday in August. Under the proposed change, archery only tags are not valid during any other period, and no other tags are valid during the archery only period for the Owens Valley.

Existing regulations specify elk tag application and distribution procedures, including qualifying conditions and drawing details. The proposed change establishes new Subsection 708(d) and removes specific tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$277.50 resident license tag fee for hunting elk. The proposed change increases the application fee to \$6.75 (for a single application; \$13.50 for a two-party application) and the resident license tag fee to \$286.75, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Editorial changes are also proposed to improve the clarity and consistency of the regulations. Reference to trespassing is deleted from this Section to reduce redundancy, since trespassing already is prohibited by Fish and Game Code sections 2016 and 2017.

Section 365, Bear

The proposed regulation change would increase number of bears reported killed to close the season early from 1,500 to 1,700. During each of the past five years, the bear hunting season has closed early because there have been 1,500 bears reported killed before the season extends until the last Sunday in December. This change would not impact the bear population and would provide additional hunter opportunity by allowing the season to continue until the last Sunday in December.

Currently, the bear hunting season in deer hunting X zones begins the second Saturday in October. This is later than the opening date of the general deer seasons for these areas. The proposed change would begin the bear hunting season concurrent with the general deer hunting seasons in zones X-8, X-9a, X-9b, X-10 and X-12. This change will move the bear hunting season earlier and provide additional hunting opportunity for those who wish to hunt bear and deer during the deer hunting season.

The proposed regulation change would make a minor editorial change to correctly reference Subsection 708(e) instead of Section 367 when referring to the bear tag reporting requirement. Section 367 is amended to move this information to the new Subsection 708(e). This change is for clarification and consistency in the regulations.

The proposed regulation change clarifies language in Subsection 365(e) by deleting reference to attracting bears to a "feeding area". The intent of the subsection is to prohibit the use of bait and attractants for bear hunting purposes. The proposed change makes the regulation more clear and understandable.

Section 367, Bear License Tags

Existing regulations specify bear tag application and distribution procedures, including qualifying conditions and the return of bear tags. The proposed change establishes new Subsection 708(e), by repealing Section 367 and moving the tag application and distribution procedures for bear to that new subsection.

Section 368, Wild Pig

Existing regulations specify wild pig tag application and distribution procedures, including qualifying conditions and the return of wild pig tags. The proposed change establishes new Subsection 708(f), by repealing Section 368 and moving the tag application and distribution procedures for wild pig to that new subsection.

Section 370, Deer Tags

Existing regulations provide requirements under which deer may be hunted, including: valid areas as described in Sections 360 and 361; tagging require-

ments for harvested deer; and limits on the number of deer that may be taken by an individual. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 370 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 370 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 370 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 371, Deer Tag Application and Distribution Procedures

Existing regulations provide for deer tag application and distribution procedures including: drawing information; application form definitions, fees and restrictions; and tag exchange fees and information. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 371 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 371 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 371 would be incorporated with other administrative and procedural regulations and allow their modification as necessary outside of the normal Mammal regulation setting process and time lines.

Section 372, Deer: Deer and Elk Tags, Persons Authorized To Validate

Existing regulations provide a listing of persons and professional classifications for those authorized to validate and countersign deer and elk tags. Currently, proposals are under consideration within the Department to implement an Automated License Data

System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 372 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 372 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 372 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 373, Deer: Return of Deer Tags

Existing regulations provide reporting requirements and violation penalties under which deer tag report cards must be returned. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 373 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 373 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 373 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 401, Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage

Existing regulations provide for issuing a permit for killing various game species which cause damage to private property. These regulations specify the conditions for using the permits, who may use the permits and any reporting requirements for permittees. Through the years, several amendments have been made to the section by adding new provisions and causing confusion. The proposed change modifies the permit term to a maximum of one year (except for deer), allows federal employees to act as agents for the

landowner, clarifies in simple English and reorders the section in a logical manner.

Sections 460 and 472, and New Section 477, Nonnative Red Fox

Under existing regulation (Section 460, Title 14, CCR), red fox may not be taken at any time. The proposed regulations would amend sections 460 and 472, and establish Section 477 to permit the hunting and trapping of the nonnative red fox in certain parts of the State, while continuing to provide the necessary protection for the threatened native Sierra Nevada red fox. The season for the take of nonnative red fox would be all year, and there would be no bag limit. A zone would be established for the take of the nonnative red fox which includes an area where the nonnative red fox is known to occur and which is a safe distance from the high elevation range occupied by the threatened Sierra Nevada red fox.

Section 474, Hours for Taking

Under existing regulation (Section 474, Title 14, CCR), the area closed to night hunting is incorrectly described. One street name is incorrect and should be changed. The proposed regulations would amend section 474 in order to correct this condition.

Section 555, Cooperative Elk Hunting Areas

Under current regulations (Section 555, Title 14, CCR), the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk. This program is intended to encourage the protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands.

A cooperative elk hunting area is composed of private land located within the boundary of a public elk hunt (as identified in Section 364, Title 14, CCR). Persons owning at least 640 acres within a cooperative elk hunting area are eligible to apply for a cooperative elk hunting area permit. Applicants must designate one individual eligible to receive an elk license tag under this program. Tag recipients must be California residents at least 12 years of age and possess a valid California hunting license. In no case, shall individuals be awarded more than one elk license tag per year.

The existing regulation specifies that fees for elk license tags and the names of tag recipients must be submitted with cooperative elk hunting area applications by the first Friday in August. Requiring the concurrent submission of fees with applications causes an unnecessary burden to landowners, since not all applicants are successful in obtaining elk license tags. This also results in increased departmental costs to refund fees to unsuccessful applicants. The provision specifying that tag recipients be included with the application, unnecessarily requires a landowner to

commit an elk license tag to an individual before they are certain of being successful in the application process. The proposed action would eliminate the requirement for landowners to submit elk license fees and the names of tag recipients with their applications, and move the application deadline to the first business day following July 1. Successful applicants would be required to submit the names of elk tag recipients and fees to the department by the first business day following August 1. Minor changes are also proposed to update the names and addresses of Department offices listed in this Section.

The existing regulation also limits landowners to one cooperative elk hunting application each year, regardless of whether they own sufficient elk habitat to otherwise qualify within the boundary of more than one public elk hunt. The proposed regulation would allow eligible landowners to annually submit cooperative elk hunting applications for each public hunt area in which their property occurs.

Section 601, Shooting Clubs: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands

Existing regulations provide for hunting big game species on Private Lands Management Areas licensed by the Commission under Section 601. Within Section 601, references are made to other sections and subsections regarding various big game license tag administrative procedures and requirements. Several of these referenced subsections, are currently proposed for deletion and incorporation into a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. For consistency in regulation, the proposal would make minor editorial changes to reference new section and subsection 708 numbers.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

The proposed change establishes a new Section 708, by moving the tag application and distribution procedures for all big game into that new section. This change will facilitate future changes to the tag application and distribution procedures that may be recommended as a result of implementing the automated license data system (ALDS).

Existing regulations provide for the distribution of remaining C and D Zone, and additional hunt tags with a second deer tag application on the first business day after September 1 within the old Section 371 (now incorporated into the new Section 708(a)). The original intent of this deadline was to provide ample opportunity for unsuccessful draw applicants to acquire tags. However, many C and D zone archery seasons occur prior to the availability of these tags, unnecessarily restricting opportunity for archery hunt-

ers. The proposed change would move this date to the first business day following August 1, allowing ample time to acquire tags by unsuccessful draw applicants, and for the distribution of tags prior to the start of archery seasons in those C and D zones.

Existing regulations do not specifically address Fish and Game Code Sections that pertain to requirements for: tagging (FGC 4336); tag validation/countersigning and transportation for the purpose of, (FGC 4341); deer head retention and production upon demand (FGC 4302); and deer violations and tag forfeiture (FGC 4340). These laws are not readily available to the general public, specifically hunters. In an effort to provide better public service, by making these laws readily available to hunters, the proposal incorporates all, or portions of these code sections into regulation.

Section 711, Cold Storage and Food Locker Plant Records

Under current regulations, any person operating a cold storage or frozen food locker plant is required to maintain detailed records for the Department regarding game birds or game mammals they process. The proposed action is intended to reduce the burden on plant operators by reducing the amount of information they are required to maintain to the minimum needed for enforcement and wildlife management purposes. Specifically, the proposed action would eliminate the requirement for plant operators to: (1) record the weight of game birds and mammals; and (2) record the number of game bird or game mammal parts received. The requirement to maintain records for the Department for three years would be reduced to one year.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hubbs-Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, CA, on March 8, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may also be submitted to the Fish and Game Commission office at the address given below.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the City Council Chambers, 333 West Ocean Boulevard, Long Beach, CA, on April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, March 29, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Friday, April 5, 2002 at the hearing in Long Beach. E-mail comments must include the true name and mailing address of the commentor.

NOTICE IS FURTHER GIVEN that any person interested may present additional testimony on the proposed regulations, orally or in writing, if substantive changes result from the April 5, 2002, meeting or if regulatory alternatives are under consideration relevant to this action, at a teleconference hearing to be held at the Resources Building, Room 1320, 1416 Ninth Street, Sacramento, CA, on April 25, 2002, at 10 a.m., to consider adoption of the proposed Mammal Hunting and Trapping Regulations for the 2002 and 2003 seasons.

Draft environmental documents associated with the proposed regulatory actions were made available for comment commencing January 31, 2002. Oral or written comments relevant to these documents will be received at the March 8, 2002, meeting in San Diego. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 18, 2002. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. NO WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON MARCH 18, 2002.

The regulations as proposed in ~~strikeout~~-underline format, as well as initial statements of reasons including environmental considerations and all information upon which the proposal is based, are on file and available for public review from John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon Snellstrom at the preceding phone number. John Carlson, Acting Chief, Wildlife Programs Branch, Department of Fish and Game, 916 653-7203, has been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statements of reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection,

timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposals are adopted, the final statements of reasons may be obtained from the address above when they have been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 265, Use Of Dogs for Pursuit/Take of Mammals or for Dog Training

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change clarifies the regulation, it is economically neutral.

Section 308, Brush, Cottontail and Pigmy Rabbits, and Varying Hare (Snowshoe)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Only a very limited range has been identified for closure.

Subsection 360(a), Deer: A, B, C, and D Zone Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b), Deer: X-Zone Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c), Deer: Additional Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(d), Deer: Fund-Raising License Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361, Archery Deer Hunting

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362, Nelson Bighorn Sheep

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

Section 363, Pronghorn Antelope

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing pronghorn antelope hunts. Given the minor nature of the change in pronghorn tags that are proposed, this proposal is economically neutral to business.

Section 364, Elk

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available to the public, this proposed change is minor in scope and economically neutral.

Section 365, Bear

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are meant to clarify regulations and increase hunter opportunity.

Section 367, Bear License Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available to the public, this change will be economically neutral.

Section 368, Wild Pig

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change does not affect the number of tags available, it is economically neutral.

Section 370, Deer Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 371, Deer Tag Application and Distribution

ProceduresThe proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 372, Deer: Deer and Elk Tags, Persons

Authorized To ValidateThe proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of

tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 373, Deer: Return of Deer Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action does not change the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 401, Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing

DamageThe proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are meant to clarify regulations and improve public service.

Sections 460 and 472, and New Section 477, Nonnative Red Fox

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the estimated number of fox hunters and trappers and the area over which they will be distributed, this proposal is not expected to negatively impact businesses or private persons in California. In fact, it may have a positive economic effect, as trappers may derive additional income from the sale of pelts, and businesses may experience increased trade.

Section 474, Hours for Taking

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the estimated number of fox hunters and trappers and the area over which they will be distributed, this proposal is not expected to negatively impact businesses in California.

Section 555, Cooperative Elk Hunting Areas

The proposed action will not have a significant statewide adverse economic impact affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will result in no net increase in the number of elk license tags available to the public and therefore is expected to be economically neutral to business.

Section 601, Shooting Clubs: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing pronghorn antelope hunts. Given the minor nature of the change in pronghorn tags that are proposed, this proposal is economically neutral to business.

Section 711, Cold Storage and Food Locker Plant Records

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action reduces the amount of information locker plant operators are required to record and the duration those records must be maintained. These changes may result in minor cost savings to plant operators due to a reduction in the time needed to complete and maintain records required by this Section.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

Southern California

April 3, 2002, 10:00 a.m.

Bureau of Automotive Repair
1180 Durfee Avenue, Suite 120
Conference/Training Room
South El Monte, CA 91733

and

Northern California

April 4, 2002, 10:00 a.m.

Department of Consumer Affairs
10240 Systems Parkway
Executive Conference Room
Sacramento, CA 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on April 4, 2002 or must be received by the Bureau at the above referenced hearings. The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Sections 44001.5, 44002, 44030, 44036, 44036.5 and 44037.1 of the California Health and Safety Code, and to implement, interpret or make specific Sections 44003, 44012, 44036(b) and 44037.1 of the Health and Safety Code, the Bureau is considering changes to Division 33 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California's vehicle inspection and maintenance (I/M) program, known as the Smog Check Program (Program), is designed to reduce vehicle emissions in order to comply with the federal ambient air quality standards set forth in the Clean Air Act Amendments of 1990 (CAAA). Section 44002 of the Health and Safety Code charges the Department of Consumer Affairs (Department), the Bureau of Automotive Repair (Bureau), with the responsibility of developing and implementing the Program.

Section 44036 requires the Bureau to develop the standards for the certification and decertification of the equipment used in smog check stations. Consistent with the statute, the Bureau developed certification and operating standards for the two types of emissions analyzers currently in use: the BAR-90 Test Analyzer System (TAS) used in the basic and change-of-ownership areas of the state and the BAR-97 Emissions Inspection System (EIS) used in the enhanced areas. As suggested by its name, the BAR-97 system is a relatively new piece of equipment that consists of three essential items: a dynamometer (a treadmill-like device for vehicles), an emissions analyzer that measures hydrocarbons, carbon monoxide, and oxides of nitrogen, and the operating software.

As the governing federal regulations change, however, the Bureau must revise the certification and operating standards for the analyzers. For example, the federal rule that governs state I/M programs now calls for: 1) the pressure testing of a vehicle's fuel evaporation control system; and 2) a performance check of the vehicle's on-board diagnostic system. Consequently, the Bureau has had to issue several addenda to the original analyzer specifications and

needs to identify in regulation the required emissions analyzer software versions for each type of smog check station.

SUMMARY OF EXISTING LAWS AND REGULATIONS

Existing regulations:

Section 3340.16.7 (a) of Title 16 of the California Code of Regulations establishes a requirement that Smog Check stations operating in basic and change of ownership areas of California have a Test Analyzer System that meets the April 1996 specifications set forth by the Bureau of Automotive Repair.

Section 3340.16.7(b) of Title 16 of the California Code of Regulations establishes a requirement that Smog Check stations operating in an enhanced area of California have a Emission Inspection System that meets the May 1996 specifications set forth by the Bureau of Automotive Repair.

Section 3340.17 establishes the calibration and maintenance requirements for inspection and repair equipment used in smog check stations, and refers to the specifications incorporated in Section 3340.16.7. Specifically, subdivision (a) requires smog check stations to have a test analyzer system that has the most current hardware and software updates.

Sections 3340.16, 3340.16.5, 3340.32, 3340.42 and 3340.50 also make reference to the specifications incorporated in Section 3340.16.7.

EFFECT OF REGULATORY ACTION

1. Repeal Section 3340.16.7

This action *repeals* Section 3340.16.7 in its entirety, in order to consolidate its provisions in Section 3340.17. The consolidation, in and of itself will have no regulatory effect. It is being proposed to eliminate duplication, to clarify provisions and to maintain consistency. The changes that are the subject of the emergency adoption are addresses below under Section 3340.17.

2. Amend Section 3340.17

This action *amends* Section 3340.17(a) by adding the provisions of Section 3340.16.7(a) in their entirety. This change will have no regulatory effect as these are existing provisions and no change is being made other than a clarifying, technical change referring to the specifications as the "BAR-90" Test Analyzer System Specifications. The language of existing Section 3340.17(a) is also amended with conforming and grammatical changes that also have no regulatory effect.

This action *amends* Section 3340.17 by adding the provisions of Section 3340.16.7(b) as a new subsection (b) and updates the reference to the Emissions Inspection System Specifications to the current publi-

cation of December 2001. The publication date change is one part of the emergency regulation amendment. The remaining changes are conforming, technical changes that have no regulatory effect. The provisions relating to the maintenance and calibration of emissions inspection systems in accordance with the bureau's BAR-97 Emissions Inspection System Specifications merely restates and rephrases the existing provisions of Section 3340.17(a). While existing subsection (a) refers to the maintenance and calibration of a "test analyzer system," by definition (see Section 3340.1(g)) the terms "test analyzer system" and "emission inspection system" are one in the same and may be used interchangeably. Therefore, adding this clarification in subsection (b) has no regulatory effect since the requirement already exists in the current subsection (a). The same applies to the requirement to have the most current hardware and software updates required by the bureau.

This action *amends* existing Section 3340.17(b) by renumbering it as (c).

This action *amends* Section 3340.17(c) by renumbering it as (d) and making clarifying, conforming and technical changes without regulatory effect.

This action *amends* Section 3340.17(d) by renumbering it as (e) and making clarifying, conforming and technical changes without regulatory effect.

This action *amends* Section 3340.17(e) by renumbering it as (f) and making clarifying, conforming and technical changes without regulatory effect.

This action *amends* Section 3340.17 by adding subsection (g) to prohibit test analyzer systems and emission inspection systems that do not have the most current hardware and software updates from performing smog check inspections and transmitting certificates of compliance to the Department of Motor Vehicles. This revision provides BAR with a mechanism to encourage stations to purchase the revised analyzer hardware and software in a timely manner. If stations do not have the latest updates, they can not perform smog checks properly.

3. Amend Sections 3340.16, 3340.16.5, 3340.32, 3340.42 and 3340.50

This action *amends* Sections 3340.16, 3340.16.5, 3340.32, 3340.42 and 3340.50 by making conforming changes without regulatory effect. Specifically, the reference to Section 3340.16.7 in each of the affected sections is changed to conform to the repeal of that section and its consolidation with Section 3340.17.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Significant Adverse Impact On Businesses:

The Bureau has made an initial determination that the proposed action may have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The following types of business would be affected:

- Smog check stations operating in the enhanced program areas of the state.

The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action:

- Smog check stations in the enhanced program areas of the state will be required to purchase updated software for their BAR 97 EIS analyzers.

The Bureau has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence, which supports this determination.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Bureau are:

- Smog check stations operating in the enhanced program areas will have to purchase new Bureau

certified software for their BAR-97 EIS analyzers. Equipment manufacturers have indicated to BAR that the price of the new software should be no more than \$1,500, and in some cases, could be as little as \$800, depending on the equipment brand and whether the equipment is covered by a service and maintenance agreement.

- Private individuals or entities (consumers) could be affected by these regulations since the required purchase of updated software may cause smog check stations to increase the price of a smog check inspection to recoup the expense. The Bureau estimates that such an increase should not exceed \$3 per smog check.

Impact on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no alternative which it considered would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

STATEMENT OF REASONS AND INFORMATION

The Bureau of Automotive Repair has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the statement of reasons, and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair, 10240 Systems Parkway, Sacramento, California, 95827.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Bureau of Automotive Repair at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4300
Fax No.: (916) 255-1369
E-mail: jim_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4300
Fax No.: (916) 255-1369
E-mail: debbie_romani@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kurt Heppler who may be contacted at (916) 255-3222.

WEBSITE ACCESS

Materials regarding this proposal can also be found on the Bureau's website at www.smogcheck.ca.gov.

**TITLE 21. DEPARTMENT
OF TRANSPORTATION**

NOTICE OF PROPOSED RULEMAKING

The Department of Transportation ("Department") proposes to amend, repeal, and/or adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to:

Amend Sections 1411.1, 1411.2, 1411.3, 1411.7

Repeal Sections 1411.4, 1411.5, 1411.6

Adopt New Sections 1411.4, 1411.5, 1411.6, 1411.7

ReNUMBER Amended Section 1411.7 to 1411.8

In Title 21 of the California Code of Regulation (CCR). These sections pertain to the administration of the transportation permit program.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m., on April 3, 2002, in Room 1420, in the Headquarters building at 1120 N Street, Sacramento, California. The building is wheelchair accessible from the O Street entrance. Directions to the meeting room will be posted at both the N and O Street entrances. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is

requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on April 3, 2002. All comments must be received by that time at the address provided. Submit comments to:

Mr. Bob Martin
Department of Transportation
1120 N Street, MS 36
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Article 6 commencing with Section 35780 of Division 15 of the California Vehicle Code, Sections 14001, 14007, 14008, and 14010 of the Government Code, Sections 20 and 50 of the Streets and Highway Code authorize the Department to amend and repeal these regulations. These regulations interpret and make specific California Vehicle Code Sections 35780, 35781, 35782, 35795.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Section 1411.1 defines terms used in subsequent sections and in the transportation permit program. These terms are not defined anywhere else. For clarity, they are included in this section. This amendment includes all pertinent terms.

Section 1411.2 generally refers to where and how the Department issues permits. The use of modem and facsimile makes the location of permit issuance outdated, and the reference to a manual may be considered as an informal or "underground" regulation. The amendments to this section detail existing practice as to when the Department will withhold the issuance of a permit rather than making vague reference to a manual.

Section 1411.3 is primarily amended to increase the cost of permits by 25%. This is primarily a result of the increase in employees necessary to process permit applications in a timely manner. (See Attachments 1, 2, and 3). As requested in prior public comment periods, the fee structure remains as simple as possible. Other amendments include removing superfluous language. The word "all" is used to replace the detailed explanation of each type of Department employee. Former section 1411.6 is incorporated into this section as an amendment since it defines who is exempt from fees. The fee or exemption from fee for a permit rider is clarified in these amendments, and

finally, a fee for missing a permit inspection is added as part of these amendments. The fee is considered a savings for those who make and keep appointments in that the inspectors will be more readily available in a timely manner.

Section 1411.4 is repealed in entirety. The Department will not regulate how it accepts payment.

Section 1411.5 is repealed in entirety and replaced by a new Section 1411.4. The duration of validity for each type of permit was determined by criteria based on public safety, simplicity of administration, and simplicity of explanation. The Department is confident that the status of highways in terms of construction is known five days in advance. This is the criteria as to the duration of a single trip permit. By removing all exceptions as to dating the permit and adding extensions, the opportunity for confusion for both staff and applicants is removed. This should create a "level playing field" since everyone will be treated the same regardless of which staff member processes their permit.

Section 1411.6 is amended and incorporated into Section 1411.3 since fees and their exemption are a part of that section.

The new Section 1411.5 addresses the role of pilot car operators. This is not addressed in law or in the permit conditions. Present Department policy is documented as to the requirements for route surveys. The requirement for notifying the driver of the permit vehicle of potential collision stems from civil action where the pilot car operator claimed this was not his responsibility.

The new Section 1411.6 simply makes the long-standing permit condition of familiarity with the requested route into a formal regulation. It also places some of the responsibility for finding a route onto the applicant by making a route survey a requirement when necessary.

The new Section 1411.7 makes long standing permit conditions into formal regulation. It also makes the core of the Department's compliance program into formal regulation. That is to say the reporting of accident and/or citation for movement while under the authority of a permit becomes a formal requirement, and if these become excessive or of such a nature that there is a concern for public safety, permits may be withheld.

Former Section 1411.7 is renumbered to Section 1411.8. The amendments are only editorial. For example, "Notwithstanding" is changed to "Specific exceptions" and "gallonge" to "capacity in gallons".

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: No. California Vehicle Code Section 35795 limits the maximum fee a local agency may charge for a permit

to that charged by the Department. However, these amendments allow local agencies to increase their revenues and do not require additional cost.

Cost or savings to any state agency: Fees collected for permits are deposited into the State Highway Account in the State Transportation Fund.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: The increase in fees should offset increased salary and benefit costs experienced by local agencies.

Cost or savings in federal funding to the state: None.

Cost impact on private person or directly affected business: Insignificant.

Significant statewide adverse economic impact directly affecting business, including ability of California businesses to compete with businesses in other states: No significant impact.

Significant effect on housing costs: None.

Create or eliminate jobs in California: None.

Create new business or eliminate existing businesses within California: No Impact

Affect the expansion of businesses currently doing business within California: No Impact

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations will not affect small business or business in general. The fee increase will be evenly distributed among competitors and uniformly passed onto clients. The increase is small enough that it will not affect the occasional shipment. Regular shipments are transported under annual permit. The \$20 per year increase will not affect business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written period.

CONTACT PERSON

General or substantive inquiries concerning the proposed action may be directed to:

Mr. Bob Martin
Department of Transportation
1120 N Street, MS 36
Sacramento, CA 95814
(916) 653-5732

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should also be directed to Bob Martin or:

Margaret Farley or Irma Rodriguez
(916) 657-0295 (916) 654-4707

This notice, the "Initial Statement of Reasons", and the proposed regulations are available at <http://www.dot.ca.gov/hq/traffops/permits/ccrproposals.htm>

RULEMAKING FILE

Pursuant to Government Code Section 11346.5(a)(16), the Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. Copies may be obtained by contacting Bob Martin at the address listed above.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the Department may adopt the regulations substantially as proposed in this notice or with modifications which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the Department adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to Bob Martin at the address listed above. The Department will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE
A NEW NOTICE**

If, after receiving comments, the Department intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Department's regulation coordinator or at the web site named in this notice.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION FOR
Section 28 Pipeline Project, Western
Municipal Water District
Riverside County**

The Department of Fish and Game ("Department") received notice on January 29, 2002 that the Western Municipal Water District proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction of approximately 3,370 linear feet of underground water line to provide adequate pressure for maximum daily demand and fire flow to an existing service area of the Western Municipal Water District. The activities will impact approximately 0.47 acres of habitat along the Mockingbird Canyon Drainage in unincorporated Riverside County.

The U.S. Fish and Wildlife Service, on November 1, 2001, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (FWS-WRIV-1678.3) which considers the Federally and State endangered least Bell's vireo (*Vireo bellii pusillus*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Western Municipal Water District is requesting a determination on whether the Federal Biological Opinion FWS-WRIV-1678.3 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Western Municipal Water District will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Highway 101 Santa Clara River Bridge Replacement Project Ventura County

The Department of Fish and Game ("Department") received notice on January 28, 2002 that the Department of Transportation ("Caltrans") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the replacement of the Highway 101 bridges over the Santa Clara River. The activities will permanently impact approximately 1.18 acres of habitat and temporarily impact approximately 1.5 acres of habitat along the river.

The U.S. Fish and Wildlife Service, on May 3, 2001, issued to the Federal Highway Administration, a no jeopardy federal biological opinion (1-8-01-F-4) which considers the Federally and State endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination on whether the Federal Biological Opinion 1-8-01-F-4 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Caltrans will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On January 16, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance to the City of Los Angeles. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance was issued for three-day mobile household hazardous waste and conditionally exempt small quantity generator waste (CESQG) collections to be conducted at:

Boeing
6633 Canoga Avenue
Canoga Park, CA 91309
January 24-26, 2002

Washington Boulevard Yard
2649 E. Washington Boulevard
Los Angeles, CA 90021
February 21-23, 2002

Phillips Los Angeles Refinery
1660 W. Anaheim Street
Wilmington, CA 90744
March 21-23, 2002

This variance authorizes the City of Los Angeles through its contractor to set up the mobile three-day collection events at the locations listed above for the specific dates and collect household and CESQG hazardous wastes. The first day is for CESQG collections only. Specific standards exempted are permit requirements contained in the Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, Chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Asha Arora at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3874.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE OF INTENT TO LIST CHEMICALS February 15, 2002

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) provides two mechanisms for administratively listing chemicals which are known to the State to cause cancer or reproductive toxicity (Health and Safety Code Section 25249.8(b)). One such mechanism by which a chemical may be listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. The following are identified as authoritative bodies for purposes of Proposition 65 as it pertains to chemicals known to cause cancer: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health,

and the National Toxicology Program. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations (22 CCR), Section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency intends to list pyridine as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code Section 25249.8(b) and 22 CCR, Section 12306.

Relevant information on pyridine (CAS No. 110-86-1) was requested in a notice published in the *California Regulatory Notice Register* on February 5, 1999 (Register 99, No. 6-Z.) A public forum was held on March 2, 1999. OEHHA has determined that pyridine meets the criteria for listing under 22 CCR, Section 12306, and therefore is issuing a notice of intent to list pyridine under Proposition 65. A document providing more detail on the basis for the listing of this chemical can be obtained from OEHHA's. Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>. Anyone objecting to the listing of pyridine as causing cancer on the basis that there is no substantial evidence that the criteria for sufficiency of evidence as causing cancer specified in 22 CCR, Section 12306 have been satisfied should provide written comments in triplicate, along with supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be hand-delivered to Ms. Oshita at the Office of Environmental Health Hazard Assessment at the same address.

In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Monday, March 18, 2002.

The following chemical has been determined by OEHHA to meet the criteria set forth in 22 CCR, Section 12306 for listing as causing cancer under the authoritative bodies mechanism:

Chemical	CAS No.	Toxicological Endpoint	Reference
Pyridine	110-86-1	Cancer	NTP (2000)

References

National Toxicology Program (NTP, 2000). *Toxicology and Carcinogenesis Studies of Pyridine (CAS No. 110-86-1) in F344/N Rats, Wistar Rats and B6C3F₁ Mice (Drinking Water Studies)*. NTP Technical Report Series No. 470. NIH Publication No. 97-3960. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS Seal and Signature

This action will provide that Professional Engineers and Land Surveyors may apply their signatures to documents electronically.

Title 16
California Code of Regulations
AMEND: 411
Filed 01/31/02
Effective 01/31/02
Agency Contact:
Nancy A. Eissler (916) 263-2241

BOARD OF PODIATRIC MEDICINE Public disclosure; Record Retention

This action would amend the period for retention of citations to five years from the date of resolution instead of the date of issuance. This action would also provide that withdrawn or dismissed citations shall be purged immediately instead of in one year

Title 16
California Code of Regulations
ADOPT: 1399.698
Filed 01/31/02
Effective 03/02/02
Agency Contact: James H. Rathlesberger

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

General Provisions

The State of California, Business, Transportation and Housing Agency, is amending the captioned sections to bring them into compliance with changes made by Ch. 1115, Stats. 1994, and Ch. 994, Stats. 1994.

Title 21

California Code of Regulations

AMEND: 7101, 7102, 7111, 7114, 7116

Filed 02/05/02

Effective 02/05/02

Agency Contact:

Augustin Jimenez (916) 327-2830

CALIFORNIA HORSE RACING BOARD

Paymaster of Purses

This rulemaking expands the duties of the paymaster to include disbursement of ten percent of the purse money earned on any horse that finishes first, second or third at a thoroughbred race meeting to the trainer's account.

Title 4

California Code of Regulations

AMEND: 1467

Filed 01/31/02

Effective 03/02/02

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD

Test Sample Required

This action reduces the frequency of sampling of the blood and urine of horses required under the current regulation by increasing the minimum size of the purse necessary before the sampling of second and third place finishers is required, and decreasing the number of horses that must be tested.

Title 4

California Code of Regulations

AMEND: 1858

Filed 02/06/02

Effective 03/08/02

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Requirements of Manufacturers of Regulated Trash Bags

This is a nonsubstantive action deleting an expired credit for the Recycled Content Trash Bags Program.

Title 14

California Code of Regulations

AMEND: 17979

Filed 02/04/02

Effective 02/04/02

Agency Contact:

Deborah Borzelleri (916) 255-2194

CALIFORNIA STATE LIBRARY

Conflict of Interest Code

This is an amendment to their Conflict of Interest Code that has been approved by the Fair Political Practices Commission. This amendment is being submitted to OAL for filing with the Secretary of State and printing only.

Title 2

California Code of Regulations

AMEND: 55300

Filed 01/30/02

Effective 03/01/02

Agency Contact:

Fritz Walgenbach (916) 654-0024

DEPARTMENT OF CORRECTIONS

Parolee Access to Computers

The regulatory action deals with parolee access to computers, LANs, modems or other communication devices in parole offices. (Department of Corrections File 97-0086.)

Title 15

California Code of Regulations

AMEND: 3041.3

Filed 01/31/02

Effective 03/02/02

Agency Contact:

Colleen Levangie (916) 322-9735

DEPARTMENT OF FOOD AND AGRICULTURE

Guava Fruit Fly Eradication Area

This Certificate of Compliance establishes San Diego County as an eradication area for the guava fruit fly.

Title 3

California Code of Regulations

AMEND: 3591.13 (a)

Filed 02/04/02

Effective 02/04/02

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Direct Marketing

The proposed emergency action would amend the conditions under which certified producers may sell their agricultural products at certified farmers' markets. The amendments would require certified producers who sell products under their own primary certificate and also sell products under a partnership to comply with all requirements that individual certified producers are required to comply with, which includes

selling for and/or representing for no more than two other producers on a certified producer's certificate in a 12-month period.

Title 3

California Code of Regulations

AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1

Filed 02/04/02

Effective 02/04/02

Agency Contact:

Janice L. Price (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE

Revision of Commercial Feed

The regulatory action deals with Commercial Feed.

Title 3

California Code of Regulations

ADOPT: 2681, 2799 AMEND: 2675, 2676, 2694, 2695, 2697, 2701, 2734, 2773.1, 2773.5, 2774, 2774.5, 2775, 2778, 2782, 2783, 2783.5, 2788, 2789, 2790, 2790.5, 2793, 2794, 2796, 2798, 2801, 2802

Filed 01/30/02

Effective 01/30/02

Agency Contact:

Maryam Khosravifard (916) 654-0574

DEPARTMENT OF INSURANCE

Rental Car Agent Licensing

This emergency readoption (ER-39) establishes the requirements of licensure for the sale of insurance by rental car companies after January 1, 2001.

Title 10

California Code of Regulations

ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8

Filed 01/31/02

Effective 01/31/02

Agency Contact:

Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

Credit Insurance Agents

This emergency rulemaking establishes the regulatory scheme for licensing and regulating credit insurance agents.

Title 10

California Code of Regulations

ADOPT: 2192.1

Filed 01/31/02

Effective 02/01/02

Agency Contact: Alice Gates

DEPARTMENT OF MOTOR VEHICLES

Special Interest License Plates

The proposed regulatory action amends provisions governing applications for special interest/environmental license plates.

Title 13

California Code of Regulations

AMEND: 160.00, 170.00

Filed 02/05/02

Effective 03/07/02

Agency Contact:

Bonnie DeWatney (916) 657-8954

DEPARTMENT OF SOCIAL SERVICES

Refugee Cash Assistance/Entrant Cash Assistance (RCA/ECA) Amendments

This emergency rulemaking will allow California counties to operate their Refugee Cash Assistance (RCA) programs in accordance with the California Work Opportunity and Responsibility to Kids (CalWORKS) program instead of the obsolete Aid to Families with Dependent Children (AFDC) program.

Title MPP

California Code of Regulations

ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 6-214, 69-215, 69-216, 69-217, 69-301 REPEAL: 69-210, 69-221

Filed 01/30/02

Effective 02/01/02

Agency Contact:

DeAnna J. Setzer (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Schools Hazardous Waste Collection

This action adds a Permit by Rule authorization for off-site K-12 Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities (SHWCCAF).

Title 22

California Code of Regulations

ADOPT: 67450.40, 67450.41, 67450.42, 67450.43, 67450.44, 67450.45, 67450.46, 67450.47, 67450.48, 67450.49, 67450.50 AMEND: 66262.20, 66270.6

Filed 01/30/02

Effective 01/30/02

Agency Contact: Joan Ferber (916) 322-6409

FAIR POLITICAL PRACTICES COMMISSION

Reporting Cumulative Amounts

This action would establish the procedure for the reporting of cumulative amounts of contributions made or received for state elections and state recipient committees

Title 2

California Code of Regulations

ADOPT: 18421.4

Filed 01/31/02

Effective 03/02/02

Agency Contact: Scott Tocher (916) 322-5660

NEW MOTOR VEHICLE BOARD

Arbitration Certification Program—Fee Collection

The New Motor Vehicle Board is amending the captioned section pertaining to the arbitration certification program fee collection for fiscal year 2001–2002.

Title 13

California Code of Regulations

AMEND: 553.70

Filed 01/30/02

Effective 01/30/02

Agency Contact: Dawn K. Kindel (916) 445-1888

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Liquefied Petroleum Gas Systems

This action updates the regulations affecting liquefied petroleum gas storage containers, their repair, and use, relying upon the 1998 National Fire Protection Association LP Gas Code.

Title 8

California Code of Regulations

ADOPT: New Appendix D AMEND: 450, 453, 471, 475, 477, 494 REPEAL: 486, 487

Filed 01/30/02

Effective 03/01/02

Agency Contact: Marley Hart (916) 274-5721

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**

Renewal Fee Increase

This action is the certification of compliance for an increase in the license fee for speech-language pathologists and audiologists from \$75.00 to the new fee of \$110. for a two year period.

Title 16

California Code of Regulations

AMEND: 1399.157

Filed 02/04/02

Effective 02/04/02

Agency Contact:

Annemarie Del Mugnaio (916) 263-2666

VETERINARY MEDICAL BOARD

Mandatory Continuing Education

This filing is a resubmittal of a regulatory action implementing section 4846.5 of the Business and Professions Code which beginning January 1, 2002 imposed continuing education requirements for those persons licensed by the Veterinary Medical Board.

Title 16

California Code of Regulations

ADOPT: 2085, 2085.1, 2085.2, 2085.3, 2085.4, 2085.5, 2085.6, 2085.7, 2085.8, 2085.9, 2085.10, 2085.11, 2085.12, 2085.13 AMEND: 2070

Filed 02/04/02

Effective 02/04/02

Agency Contact: Deanne Pearce (916) 263-2622

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 03, 2001 TO
FEBRUARY 06, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/08/02 AMEND: 1402, 1414, 1437

Title 2

01/31/02 ADOPT: 18421.4

01/30/02 AMEND: 55300

01/24/02 ADOPT: 58500

01/24/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402

01/22/02 AMEND: 18706

01/16/02 ADOPT: 18539, 18550

01/16/02 AMEND: 18232, 18702.1, 18705.5,
18708

12/27/01 AMEND: 18428

12/26/01 AMEND: 2554(b)(4), 2555(a)(1)

12/21/01 AMEND: 1859.2, 1859.81

12/20/01 AMEND: 45100

12/20/01 AMEND: 2300(b)

12/18/01 AMEND: 2541(c), 2541(d)

12/12/01 ADOPT: 1896.300, 1896.310, 1896.320,
1896.330, 1896.340, 1896.350, 1896.360,
1896.370

11/27/01 ADOPT: 599.911, 599.912, 599.913

11/26/01 ADOPT: 18540

11/16/01 ADOPT: 18539.2

11/06/01 ADOPT: 18536 REPEAL: 18536

10/31/01 AMEND: 599.936

10/31/01 AMEND: 599.911, 599.912, 599.913

10/29/01 ADOPT: 18543

10/29/01 ADOPT: 18542

10/18/01 ADOPT: 18404.2

10/09/01 ADOPT: 18530.4, 18570

10/04/01 ADOPT: 18531.6

10/04/01 AMEND: 599.502, 599.508

Title 3

02/04/02 AMEND: 3591.13 (a)

02/04/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1

01/30/02 ADOPT: 2681, 2799 AMEND: 2675,
2676, 2694, 2695, 2697, 2701, 2734,
2773.1, 2773.5, 2774, 2774.5, 2775,
2778, 2782, 2783, 2783.5, 2788, 2789,
2790, 2790.5, 2793, 2794, 2796, 2798,
2801, 2802
01/14/02 AMEND: 3406 (b)
01/14/02 AMEND: 3423 (b)
01/08/02 AMEND: 576.1
01/04/02 AMEND: 3591.16 (a)
12/27/01 AMEND: 2
12/26/01 AMEND: 6650, 6654, 6656
12/26/01 ADOPT: 950, 951, 952, 953, 954, 955
AMEND: 900.1, 901, 927, 930, 931
12/20/01 ADOPT: 7010
12/14/01 AMEND: 3700 (a),(b),(c)
12/12/01 AMEND: 3591.2(a)
12/05/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3,
1301.4, 1301.5, 1301.6, 1301.7, 1301.8,
1301.9
12/04/01 AMEND: 3591.12(a)
11/28/01 AMEND: 3430(b)
11/28/01 AMEND: 1359, 1392.4, 1436.30 RE-
PEAL: 1359.1, 1360, 1361, 1362, 1363
11/27/01 AMEND: 6252, 6256
11/26/01 AMEND: 1380.19
10/25/01 ADOPT: 480.9 AMEND: 300 (c)(1)
10/24/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3,
1301.4, 1301.5, 1301.6, 1301.7, 1301.8,
1301.9
10/19/01 ADOPT: 2302 AMEND: 2303
10/15/01 AMEND: 6450.2, 6450.3
10/15/01 AMEND: 3591.16
10/11/01 ADOPT: 6625 AMEND: 6624
10/04/01 ADOPT: 3700
10/04/01 AMEND: 3423(b)

Title 4

02/06/02 AMEND: 1858
01/31/02 AMEND: 1467
01/28/02 AMEND: 1844
01/18/02 ADOPT: 2081
01/11/02 ADOPT: 4160, 4161, 4162, 4263, 4164,
4165, 4166, 4167, 4168, 4169, 4170,
4171 REPEAL: 4160, 4161, 4162, 4164,
4167, 4168, 4169, 4170, 4171, 4172,
4173, 4174, 4175
01/10/02 ADOPT: 2078
01/07/02 ADOPT: 2071
01/07/02 ADOPT: 2072
01/07/02 ADOPT: 2073
01/07/02 ADOPT: 2076
01/07/02 ADOPT: 2082
01/04/02 ADOPT: 2083
01/03/02 ADOPT: 2075
01/03/02 ADOPT: 2079
01/03/02 ADOPT: 2080

01/03/02 ADOPT: 2077
01/03/02 ADOPT: 2070
01/03/02 ADOPT: 2074
12/12/01 REPEAL: 143.4
12/11/01 AMEND: 1979
12/10/01 AMEND: 1969
11/29/01 ADOPT: 12130
11/20/01 AMEND: 376, 377
11/19/01 ADOPT: 12100, 12102, 12104, 12106,
12108, 12110, 12120
11/19/01 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337 AMEND: 10317(c)
11/01/01 AMEND: 401, 403
10/29/01 AMEND: 8070(e)
10/12/01 ADOPT: 4144
10/11/01 AMEND: 1433
10/09/01 ADOPT: 7000, 7001, 7002, 7003, 7003.5,
7004, 7005, 7006, 7007, 7008, 7009,
7010, 7011, 7012, 7013, 7013.1, 7013.5,
7014, 7015, 7016, and 7017 REPEAL:
7000, 7001, 7002, 7003, 7004, 7005,
7006, 7007, 7008, 7009, 7010, 7011,
7012, 7013, 7014, 7015, 7016

Title 5

01/24/02 AMEND: 11530, 11531
01/24/02 AMEND: 43880, 43881, 43882, 43883,
43884
01/08/02 AMEND: 1031, 1032, 1033, 1034, 1035,
1036, 1037, 1038, 1039
01/08/02 REPEAL: 11820, 11822, 11823, 11827,
11828, 11829, 11831, 11832, 11833,
11834
01/07/02 AMEND: 73000, 73010, 73100, 73110,
73120, 73130, 73140, 73150, 73160,
73165, 73170, 73180, 73190, 73200,
73210, 73230, 73240, 73260, 73270,
73280, 73290, 73300, 73310, 73320,
73330, 73340, 73350, 73360, 73380,
73390, 73400, 73410, 73420, 73430,
73440
01/07/02 AMEND: 42713
12/27/01 ADOPT: 31000, 31001, 31003, 31004,
31005, 31006, 31007
12/26/01 AMEND: 80487
12/21/01 ADOPT: 31000, 31001, 31002, 31003,
31004, 31005, 31006, 31007
12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218,
1219, 1219.5
12/18/01 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959
12/12/01 AMEND: 80225
12/05/01 ADOPT: 20430, 20432, 20434, 20436,
20438, 20440, 20442, 20444

12/03/01 AMEND: 55316.5, 55317, 28003.1, 58009
 11/28/01 AMEND: 43810
 11/27/01 AMEND: 42933
 11/26/01 AMEND: 22000
 11/19/01 AMEND: 80026, 80027
 11/15/01 AMEND: 1032(i)
 11/06/01 AMEND: 18302
 11/05/01 REPEAL: 18140, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18165, 18166, 18167, 18168, 18169, 18170, 18171, 18172, 18173, 18174
 10/26/01 ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, 18434
 10/22/01 AMEND: 74000, 74002, 74004, 74006, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74120, 74130, 74140, 74150, 74160, 74170, 74180, 74190, 74200, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130
 10/16/01 AMEND: 53309, 53310
 10/10/01 AMEND: 59020, 59022, 59023
 10/04/01 ADOPT: 40701 AMEND: 40700
 10/04/01 ADOPT: 11510, 11511, 11511.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517

Title 7

12/11/01 ADOPT: 236
 11/27/01 ADOPT: 212.5

Title 8

01/30/02 ADOPT: New Appendix D AMEND: 450, 453, 471, 475, 477, 494 REPEAL: 486, 487
 01/17/02 ADOPT: 206, 207 AMEND: 201, 205, 208, 212, 212.01, 212.2, 212.3, 212.4, 228, 229, 230, 231, 230.1, 230.2, 234.2
 01/17/02 AMEND: 5155
 01/15/02 ADOPT: 17201, 17202, 17203, 17204, 17205, 17206, 17207, 17208, 17209, 17210, 17211, 17212, 17220, 17221, 17222, 17223, 17224, 17225, 17226, 17227, 17228, 17229, 17230, 17231, 17232, 17234, 17235, 17236, 17237, 17240, 17241, 17242, 17243, 17244, 17245

01/15/02 ADOPT: 14300.1, 14300.2, 14300.03, 14300.04, 14300.05, 14300.06, 14300.07, 14300.08, 14300.09, 14300.10, 14300.11, 14300.12, 14300.13, 14300.14, 14300.15, 14300.16, 14300.17, 14300.18, 14300.19, 14300.20, 14300.21, 14300.22, 14300.23, 14300.24, 14300.25
 01/04/02 ADOPT: 11170 AMEND: 11160
 01/03/02 AMEND: 3472, 4884, 4885, 4886, 4907, 4924, 4965, 4966, 4968
 12/31/01 AMEND: 9792.1
 12/26/01 AMEND: 1532.1
 12/24/01 AMEND: 31100
 12/04/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 6000, 60010, 60020, 60030, 60035, 60040, 60050, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61130
 11/29/01 AMEND: 5031(c)(3)
 11/19/01 AMEND: 341.15
 11/08/01 AMEND: 3340(c) and (d)
 11/02/01 AMEND: 15212
 10/30/01 ADOPT: 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, 344.17 AMEND: Re-number 344.10 to 344.18
 10/29/01 AMEND: 65
 10/24/01 AMEND: 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, Appendix A
 10/23/01 AMEND: 1698(e)(1)(2)

Title 9

01/17/02 ADOPT: 9533 AMEND: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9535, 9540, 9545
 12/12/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545
 12/10/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Title 10

01/31/02 ADOPT: 2192.1
 01/31/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 01/10/02 AMEND: 2318.6, 2353.1
 01/09/02 AMEND: 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, and 2248.47
 01/08/02 AMEND: 5460, 5461, 5462, 5463, 5464, 5465
 12/31/01 ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5
 12/31/01 ADOPT: 2695.30

12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
 12/26/01 AMEND: 2698.70, 2698.71
 10/31/01 AMEND: 4081, 4081.5
 10/23/01 AMEND: 2699.6619, 2699.6629
 10/12/01 AMEND: 2698.61, 2698.62, 2698.65, 2698.66, 2698.67
 10/11/01 ADOPT: 2695.30

Title 11

01/14/02 AMEND: 1005
 01/09/02 AMEND: 1081
 12/31/01 AMEND: 3000, 3001, 3003, 3007
 12/05/01 AMEND: 1005
 10/29/01 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
 10/17/01 AMEND: 1005, 1018

Title 13

02/05/02 AMEND: 160.00, 170.00
 01/30/02 AMEND: 553.70
 01/18/02 AMEND: 599
 01/10/02 AMEND: 50.45 REPEAL: 50.40
 10/30/01 AMEND: 553
 10/24/01 AMEND: 1200, 1201, 1213.2
 10/17/01 AMEND: 20.04

Title 14

02/04/02 AMEND: 17979
 01/16/02 AMEND: 17943(b)(26)
 01/10/02 ADOPT: 2.10, 5.60, 28.59 AMEND: 1.24, 2.06, 4.00, 4.15, 5.00, 5.05, 5.15, 5.20, 5.35, 5.40, 5.75, 7.00, 7.50, 8.00, 27.60, 27.65, 27.82, 28.27, 28.54, 28.55, 29.15, 40 REPEAL: 2.01, 2.02, 2.03, 2.04, 2.07, 2.10, 2.13, 2.14, 5.70, 41, 41.5, 42, 42.5
 01/09/02 ADOPT: 14021, 14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14031, 14032
 12/31/01 ADOPT: 749.1
 12/20/01 AMEND: 2.00
 12/19/01 ADOPT: 180.4
 12/17/01 AMEND: 120
 12/13/01 AMEND: 670.5
 12/11/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
 11/29/01 ADOPT: 1057, 1057.1, 1057.2, 1057.3, 1057.4, 1057.5, 1058, 1058.1, 1058.2, 1058.3, 1058.4, 1058.5
 11/20/01 AMEND: 895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [936.12, 956.12], 923.3 [943.3, 963.3], 923.9 [943.9, 963.9]
 11/16/01 AMEND: 1038, 1104.1
 11/08/01 AMEND: 150.16

11/07/01 AMEND: 1037.5
 11/01/01 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
 10/31/01 AMEND: 300(a)
 10/31/01 AMEND: 163, 163.5, 164
 10/30/01 ADOPT: 1059
 10/25/01 AMEND: 165, 165.5
 10/23/01 AMEND: 550, 551, 552
 10/17/01 AMEND: 27.82, 28.54, 28.55
 10/04/01 ADOPT: 6595
 10/03/01 AMEND: 502, 507(c) and 507.1
 10/03/01 AMEND: 14111
 10/03/01 AMEND: 11900

Title 15

01/31/02 AMEND: 3041.3
 01/09/02 ADOPT: 4742, 4743, 4744, 4745, 4746, 4747 AMEND: 4730, 4732, 4733, 4734, 4735, 4736, 4737, 4739, 4740
 01/08/02 REPEAL: 3074
 11/29/01 ADOPT: 4746.5
 11/27/01 AMEND: 6045.2(e)(2)(G)
 11/20/01 ADOPT: 2646.1 AMEND: 2646
 10/23/01 AMEND: 3375.2, 3378
 10/16/01 AMEND: 3341.5
 10/04/01 AMEND: 4720.1

Title 16

02/04/02 AMEND: 1399.157
 02/04/02 ADOPT: 2085, 2085.1, 2085.2, 2085.3, 2085.4, 2085.5, 2085.6, 2085.7, 2085.8, 2085.9, 2085.10, 2085.11, 2085.12, 2085.13 AMEND: 2070
 01/31/02 AMEND: 411
 01/31/02 ADOPT: 1399.698
 01/28/02 AMEND: 1531
 01/18/02 AMEND: 1391.7
 01/14/02 ADOPT: 1711
 01/14/02 ADOPT: 980.1 AMEND: 974
 12/19/01 AMEND: 1388, 1388.6, 1389, 1392, 1397.63 REPEAL: 1388.5
 12/18/01 AMEND: 1397.61, 1397.64, 1397.65
 12/17/01 ADOPT: 2412 AMEND: 2418 REPEAL: 2411 (a)(1)(A)
 12/17/01 AMEND: 1088
 12/07/01 ADOPT: 386
 12/04/01 AMEND: 1887.3
 11/28/01 ADOPT: 872, 872.1
 11/27/01 AMEND: 3340.16.5
 11/20/01 ADOPT: 2450
 10/31/01 ADOPT: 890
 10/23/01 ADOPT: 1999.5 AMEND: 1970, 1970.6
 10/19/01 ADOPT: 1357.1, 1357.2, 1357.3, 1357.4, 1357.5, 1357.6
 10/18/01 AMEND: 2420
 10/16/01 AMEND: 1391.12(b)
 10/16/01 AMEND: 1870

10/15/01 ADOPT: 1024.1, 1024.3, 1024.4, 1024.5,
1024.6, 1024.7, 1024.8, 1024.9, 1024.10,
1024.11, 1024.12 AMEND: 1000 RE-
PEAL: 1024.1

10/03/01 AMEND: 1760

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12/28/01 AMEND: 6508
11/19/01 ADOPT: 37000, 37020, 37025, 37100
11/19/01 AMEND: 57310, 57332, 57530
11/14/01 ADOPT: 33001, 33002, 33003, 33004,
3005, 33006, 33007, 33008, 33009,
33010, 33011, 33012, 33013, 330014,
33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 33001, 33010
11/07/01 AMEND: 60201
11/05/01 ADOPT: 2638 AMEND: 2500, 2502,
2505, 2551, 2552, 2553, 2596, 2614,
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10/29/01 ADOPT: 30400.5, 30400.60, 30403.5,
30403.8, 30406
10/29/01 ADOPT: 30437 AMEND: 30424, 30425,
30427, 30427.2, 30436, 30447
10/25/01 ADOPT: 54327.2 AMEND: 54302,
54327, 54327.1, 56002, 56093, 58651
10/15/01 AMEND: 30225, 30253, 30350
10/11/01 AMEND: 56033

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01/16/02 ADOPT: 4063.5, 4098 AMEND: 4018,
4021, 4022, 4023, 4026, 4027, 4034,
4047, 4055, 4056, 4057, 4058, 4059,
4060, 4062, 4063, 4064, 4065, 4080,
4081, 4091, 4092 REPEAL: 4028, 4067,
4079, 4082
01/10/02 ADOPT: 29
01/08/02 AMEND: 1620
01/07/02 AMEND: 122.5
12/24/01 ADOPT: 17951-6 AMEND: 17951-4
12/24/01 AMEND: 17000.30
12/17/01 AMEND: 1642
12/14/01 ADOPT: 138
12/06/01 AMEND: 1660
12/04/01 AMEND: 1661
11/20/01 AMEND: 19513
11/08/01 ADOPT: 206
11/01/01 AMEND: 1617
11/01/01 AMEND: 1598
10/12/01 ADOPT: 18567

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12/28/01 ADOPT: 981.3 AMEND: 981.3
12/27/01 ADOPT: 565.1, 567.1, 567.2, 567.3,
567.4, 567.5, 567.6, 567.7, 567.8, 573,
575 AMEND: 550, 550.2, 557.1, 557.3,
557.4, 557.5, 557.6, 557.8, 557.9, 557.12,

557.13, 557.14, 557.16, 557.18, 557.19,
557.20, 557.21, 557.22, 557.23, 560,
560.1, 560.2, 560.3

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01/16/02 AMEND: 201

Title 21

02/05/02 AMEND: 7101, 7102, 7111, 7114, 7116
12/04/01 AMEND: 7000

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01/30/02 ADOPT: 67450.40, 67450.41, 67450.42,
67450.43, 67450.44, 67450.45, 67450.46,
67450.47, 67450.48, 67450.49, 67450.50
AMEND: 66262.20, 66270.6
01/24/02 REPEAL: Repeal the language “(See
Section 3901.1, Retraining Benefits Defi-
nitions)” below Article 1.5. Retraining
Benefits
01/17/02 ADOPT: 84400, 84401, 84422, 84461,
84465, 84468.1, 84468.2, 84468.4, 84478
REPEAL: 84001, 84022, 84061, 84063,
84065, 84300, 84322, 84322.1, 84322.2,
84361, 84365, 84365.5, 84368.3, 84369
01/08/02 ADOPT: 7630, 7632, 7632.1, 7632.3,
7632.5, 7634, 7634.1, 7634.3, 7634.5,
7636, 7636.1, 7636.3, 7636.5, 7637.7,
7636.9, 7638, 7638.1, 7638.3, 7638.5,
7638.7, 7638.9, 7638.11, 7638.13
12/31/01 AMEND: 66260.10, 66262.12, 66263.40,
66268.7 REPEAL: 66263.42
12/19/01 AMEND: 5151 (c), 5151 (e), 51518 (b),
51521 (i), 51527 (b)
12/18/01 ADOPT: 11000, 110042, 110046,
110088, 110099, 110129, 110135,
110147, 110148, 110150, 110164,
110182, 110184, 110186, 110194,
110200, 110220, 110224, 110230,
110252, 110261, 110289, 110341,
110410, 110431, 110436, 110445,
110456, 110474, 110478, 110479
11/30/01 ADOPT: 66273.6, 66273.80-66273.90
AMEND: 66261.9, 66273.1, 66273.8,
66273.9
11/13/01 ADOPT: 64860
11/08/01 ADOPT: 67900.1, 67900.2, 67900.3,
67900.4, 67900.5, 67900.6, 67900.7,
67900.8, 67900.9, 67900.10, 67900.11,
67900.12
11/08/01 ADOPT: 66250, 66250.1, 66250.2
11/06/01 AMEND: 66264.140, 66264.143,
66264.145, 66264.147, 66265.140,
66265.143, 66265.145, 66265.147
11/06/01 AMEND: 4408, 4409, 4414
11/02/01 ADOPT: 100901, 100902, 100903,
100904, 100904.5 AMEND: 100900

11/02/01 ADOPT: 66261.9, 66273.1, 66273.2,
66273.3, 66273. 4, 66273.5, 66273.6,
66273.7, 66273.8, 66273.9, 66273.10,
66273.11, 66273.12, 66273.13, 66273.14,
66273.15, 66273.16, 66273.17, 66273.18,
66273.19, 66273.20, 66273.30, 66273.31,
66273.32, 66273.33

10/24/01 AMEND: 12000

Title 22, MPP

11/08/01 AMEND: 84110, 85002, 87102

10/25/01 ADOPT: 85081, 87593 AMEND: 85001,
87101

Title 23

01/03/02 AMEND: 3904

12/28/01 AMEND: 451.1, 451.4, 451.5

11/27/01 AMEND: 3952

10/09/01 AMEND: 3988

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01/08/02 ADOPT: 7300, 7301, 7302, 7303, 7304,
7305, 7306, 7307, 7308, 7309, 7310,
7311, 7312, 7313, 7314, 7315, 7316,
7317, 7318, 7319, 7320, 7321, 7322,
7323, 7224, 7325, 7326, 7327, 7328,
7329, 7330, 7331, 7332, 7333, 7334,
7335, 7336

01/03/02 ADOPT: 1302, 1316, 1317, 1318, 1319
AMEND: 1300, 1304, 1306, 1310

12/19/01 AMEND: 8202, 8203, 8212, 8212.1

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10/24/01 AMEND: 15240

Title 28

12/27/01 ADOPT: 1300.41.8

12/12/01 ADOPT: 1000

Title MPP

01/30/02 ADOPT: 69-209, 69-210 AMEND: 69-
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69-206, 69-207, 69-208, 69-211, 69-212,
69-213, 6-214, 69-215, 69-216, 69-217,
69-301 REPEAL: 69-210, 69-221

01/23/02 ADOPT: 33-135 AMEND: 33-120, 33-
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01/14/02 ADOPT: 63-016 AMEND: 63-102, 63-
300, 63-504, 63-801, 63-802, 63-804

12/11/01 AMEND: 44-314, 82-518

11/29/01 ADOPT: 44-302 AMEND: 25-301, 25-
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25-310.3, 25-330.9, 25-506, 44-304, 44-
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10/15/01 AMEND: 44-211.63, 44-211.64

10/10/01 AMEND: 42-205, 43-119, 44-133

